

Introduction

You have a new client who is describing her family history, and you realize that this is a woman whose case is one in which a custody dispute seems all but inevitable. Perhaps she has a need to relocate to another area and wants to take her children with her. Perhaps she is disputing a parenting plan with the father of her newborn infant. Perhaps she is describing a history of domestic violence with a pattern of being controlled and abused throughout her relationship with her spouse; this makes her worried about the children being with their father. Or perhaps she has not been able to see her children for six months, and she alleges that the father has turned the children against her for the last several years.

As an attorney, you have gained some understanding of the psychological and family issues during your years in practice. However, as a wise attorney, you realize that your understanding, while well developed for a family law attorney, is not as comprehensive as that of a qualified psychologist. You want to present a powerful and compelling case that is thoroughly grounded in the psychological realities of the situation. You realize that you and your client will benefit from additional assistance

throughout the potential litigation, and you begin thinking of bringing in a forensic psychology consultant to assist you in your case.

The Role of Forensic Psychology Consultants

Depending on the complexity of the case, the case history, and the psychological and mental health issues at hand, you may need psychological assistance in formulating your case theories. You might benefit from a more comprehensive understanding of the psychological issues in the case and their impact on the children. If your client undergoes a custody evaluation, you may want help in educating and preparing your client for such an evaluation. When the report comes back, you may need help ascertaining whether the work product was well done and followed the standards of practice in the field and if the evaluation conclusions are supported by the data that was collected. You may need help understanding the strengths and weaknesses of the report so that you can develop a complete and effective litigation plan based on the report and its conclusions. You may need a consultant to assist in developing questions for direct examination or cross-examination of witnesses.

Regardless of whether or not you have a forensic psychology consultant on board to work with you as a member of your litigation team under the attorney-client work product privilege, it may benefit you and your client to have an expert witness of your own to testify in your case. You may wish to have an expert witness opine in court about the forensic integrity of the custody evaluation and/or specific psychological aspects of the case, such as the impact of relocation on children or the impact of domestic violence on victims and children. If a child custody evaluation was completed in your case, your expert might testify about the strengths and weaknesses of the evaluation, whether or not the evaluator explained the basis for her conclusions, and whether or not the conclusions logically follow from the data gathered by the evaluator. Your expert witness may testify about whether appropriate references to the literature in the field were included in the report and whether the conclusions and recommendations are developmentally appropriate and consistent with the body of research in the field as a whole, not just the research cited by the evaluator (if, in fact, the evaluator cited any research). You may need your expert to testify about the procedures used by the evaluator, whether they were proper forensic procedures, and whether there was balance and comprehensiveness in the procedures used. Even if a custody evaluation was not performed, you might need an expert witness to testify about the psychological issues involved and the relevant research related to the issues in your case and to

answer hypothetical questions about how those issues might affect your case if you have a complex matter, such as relocation, domestic violence, alienation, or parenting plans with very young children.

How Can Forensic Psychology Consultants Help Attorneys?

Forensic psychology consultants can help attorneys with the following:

- Formulating case theories
- Expanding your understanding of the psychological issues in your case
- Preparing your client for a custody evaluation
- Reviewing/critiquing a completed child custody evaluation
- Developing direct examination and cross-examination questions for trial and/or deposition
- Expert witness testimony at trial

The Utilization of Forensic Psychology Consultants

Psychologists with specific expertise in the area of family law and child custody can be utilized in a variety of roles benefiting you, your client, and ultimately the children involved. Working as behind-the-scenes consultants and expert witnesses, well-versed and properly trained psychologists can be significant assets. It is our hope that this book helps you recognize how consultants and experts can be assets to you and how you can make appropriate use of forensic psychology consultants.

When you encounter scenarios such as the ones described earlier (and we offer those scenarios as examples only—certainly, there are others in which consultants and experts can be helpful), this book will serve as a guide and handbook for you. We wrote this book to help identify and clarify the benefits and risks of working with forensic psychologists as litigation consultants and expert witnesses. We will discuss the procedures for finding the right psychologist and hiring that psychologist for the work. We will focus on the ethical and professional issues that need to be considered, along with the applicable legal rules for this work. We will discuss the important and essential differences between clinical psychology and forensic psychology and how these differences inform the way in which the forensic psychology consultant approaches his work. We will help you to understand the ways in which forensic psychologists properly think about their work, make inferences, and formulate conclusions within the legal environment. We will

differentiate various psychologists' roles, bringing clarity to which roles are more useful for clinical work and which are more useful for forensic work. When you have finished reading this book, it is our hope that you will have a deeper understanding of how to use forensic psychology consultants as expert witnesses and behind-the-scenes consultants in these complex child custody cases.

The Context of Child Custody Litigation

We understand and believe that, whenever possible, litigation should be avoided. We understand that it is best for most families to resolve their own custody and parenting disputes. When parents can settle their differences, beneficial outcomes for children are more likely. We believe that settlement possibilities should be explored in all instances of child custody disputes. We believe that the effective use of forensic psychology consultants can help lawyers distinguish those cases that can settle from those cases that cannot.

Nevertheless, litigation often cannot be avoided. This book will focus on the use of forensic psychology consultants in litigated cases and at trial. We wrote this book in great measure because we want to promote the best outcomes for children. We are neither naïve nor idealistic. We understand that litigation itself is divisive and creates stresses and pressures that spill onto children. It is our thesis, however, that the use of forensic psychology consultants and comprehensive reviews of child custody evaluations in the course of child custody litigation increases the likelihood that the outcome of such litigation, when it takes place, will benefit children. We assert that when a case needs a judge to solve a complex custody situation, litigation that is effective and guided by input from well-informed forensic psychology consultants is litigation that ultimately benefits children and therefore reduces the risks of harm to children from divorce and child custody disputes. We understand that ineffective consultation has a high potential to harm children because it can promote unnecessary litigation and litigation that creates even greater risks for children. Our desire to benefit children is what guides all of our professional work and what motivated us to write this book in the context of potential litigation.

Three particular issues of significance in the context of child custody litigation are the well-being of children, the emotional responses of divorcing parents, and the demands of working as a litigator in this field. These issues are discussed below.

The Well-Being of Children

The breakup of the family is an event that is largely unwelcome, even when one or both parents believe it to be necessary. Nevertheless, divorce is a reality, taking place in approximately 50 percent of marriages with children. Family units that were once intact are now divided and must reconstitute as a dual-household entity. When the divorce involves children, parents typically wish to protect their children from the impact of the change but must deal with intense emotions of their own while doing so. Such parents usually lack experience with complex transitions and frequently must also confront powerful forces such as the desires and beliefs of extended family and friends. Furthermore, when parents disagree about the custody of children, the situation is never easy. Of course, you, as an attorney, are responsible for advocating for the wishes of your clients. On the other hand, professionals involved in child custody litigation (attorneys, MHPs, judicial officers, etc.) want the outcome to be in the best interests of the children.

Child custody litigation occurs in the context of a family, in particular a family in the midst of transition, change, instability, and perhaps chaos. In contemporary practice, cases frequently contain elements that are not as familiar to attorneys as are the issues of “traditional” divorce and separation. More and more, cases include issues such as the following:

- Never-married parents
- Children of gay and lesbian parents
- Grandparent visitation
- Third-party custody or visitation
- Children and families involved in the dependency courts due to issues of abuse, substance abuse, or neglect
- Children permitted to testify regarding their custodial preferences and what they have experienced in their family
- Relocation requests, including international relocation
- Alienated children and children who refuse to spend time with one of their parents

Note that the common key ingredient in all of these circumstances is that there are *children* involved. While you, as an attorney, properly focus on advocating for your client, the adult parent, the laws pertaining to the development of parenting plans and child custody orders are laws that place the best interests of children center stage.

While all parties struggle during the breakup of the family and while there are risks to all concerned—children and adults alike—it is the children who are

at greatest risk for negative outcomes when parents separate and divorce. This is because children are, by definition, young and developing and have not yet acquired the myriad mature coping skills that adults have had the opportunity to develop. Also, separation and divorce are decisions made by adults without the involvement or agreement of the children; nevertheless, these decisions impact children powerfully. Because children do not typically have a voice in these decisions, they may feel powerless in the midst of the overwhelming changes caused by separation and divorce.

Children are at risk of a range of negative outcomes from the separation of their parents.¹ Just as grandparents and friends get drawn into the litigation between parents, children can also be drawn into conflicts involving their parents and the extended family members and family friends. The risk for deleterious conflict is particularly high at the time of the initial separation, but divorce and custody-related conflict can take place for years after the actual marital dissolution. For psychologists who are experienced in working with families with protracted high-conflict divorce and child custody cases, the dramatic impact of long-term parental conflict involving the children is well-known. It is beyond the scope of this book to discuss these risks. Nevertheless, it is important to recognize that the qualified forensic psychology consultant, whether a behind-the-scenes consultant or an expert witness, will be familiar with this research and concerned about the impact of the divorce on the children involved in your case and can offer you advice regarding these risks and how the planned litigation may increase and/or ameliorate such risks.

Qualified forensic psychology consultants are concerned with the well-being of children as they focus on their role in your case.

Powerful emotions are typical in those in the midst of divorce. Forensic psychology consultants can help you understand your client's emotions and help you with "client management" of these issues.

Emotional Responses of Divorcing Parents

Parents involved in divorce and divorce-related litigation as well as members of the extended families are likely to experience a range of powerful emotions in

1. See, e.g., Joan Kelly & Robert Emery, *Children's Adjustment Following Divorce: Risk and Resilience Perspectives*, 52 FAM. REL.: INTERDISC. J. APPLIED FAM. STUD., 2003, at 352.

response to the change in the family and the conflict that is present. Powerful feelings such as shame, fear, guilt, anger, self-reproach, externalized blame, resentment, and even relief are commonly observed. While these emotions are part and parcel of the human experience, they tend to be particularly strong during divorce and litigation, especially in those adults whose personality style typically includes intense emotions. Divorcing parents often are frequently confused and shaken by the reality that their former life partner—the person to whom they previously turned when life was difficult—is now their adversary. Attorneys frequently refer clients struggling with these emotions to therapists to assist the clients in processing such feelings, learning to cope with them, and understanding the circumstances that give rise to their discomfort.

While this is very important and may help the client be a better parent and deal with his emotions in a healthier way, it does not necessarily help the litigation or your ability to work effectively with your client around the litigation issues. However, retaining a forensic psychology consultant—a professional who does not serve in a therapeutic role for your client—may help you and your client deal with the litigation in a more positive way and with a more positive outcome on behalf of your client and, ultimately, the children.

Demands of Working As a Litigator

Another key ingredient in these cases is that the demands of working as a litigator, especially with high-conflict parents, take a significant toll on you, the attorney. It is well-known that family law is a complex and dynamic field of practice that requires knowledge and expertise in a wide range of issues; in fact, there are some who suggest that it is the most challenging (albeit potentially rewarding) area of legal practice. Aside from the property, financial, and tax issues, those issues related just to the psychological elements of these cases include, but are not limited to, the following:

- Child custody and the impact of various custodial options and parenting plans on children, especially very young children or adolescents
- Impact of divorce on children
- Parental adjustment to divorce
- Child development
- Relocation law and the psychological risk and protective factors that might make the relocation either easier or harder for children
- The impact of relocation (or not relocating) on families and children
- Parental gatekeeping styles and the impact of parental gatekeeping styles on child-centered parenting plans

- Dynamics of families with alienated children and children who refuse parenting time/visitation with one of their parents
- Dynamics of high-conflict parents and the impact of their parenting and coparenting on children
- An entire range of issues regarding domestic violence
- Remarriage or recoupling of parents after divorce

In addition to these family-related issues, attorneys are confronted with understanding the strengths and weaknesses of child custody evaluations and, in some jurisdictions, “recommending child custody mediation” that may be undertaken on their cases. While many evaluation reports show obvious and plain evidence of bias or problematic procedures, even well-written reports (what we have come to call “good reads”) may have significant problems that attorneys are unable to easily detect.

A forensic psychology consultant who is trained and experienced in child custody evaluation, forensic psychology, forensic thinking/procedure, and the application of social science research to legal situations is skilled at detecting these issues. While we strongly advise that you, the attorney, seek ongoing continuing education to help you better understand these issues, the assistance of a qualified and experienced forensic psychology consultant with specific expertise in family law issues will help increase your effectiveness as an attorney and improve the likelihood that you will more fully understand the issues and the nuances specific to your case and thus develop a more effective and compelling case theory and case plan. Put another way, with a qualified forensic psychology consultant on your team, you are given the space to do what you do best while the consultant does what he does best.

Forensic Psychology: A Separate and Unique Discipline

When most people think about the field of psychology, they think about it as a helping profession in which psychologists provide assessment and treatment services to those seeking assistance. Psychologists are thought of as helpers and hands-on allies to people experiencing psychological distress. Their work is undertaken in a confidential setting and in the context of a positive alliance between the therapist and the patient. This characterization of psychology is accurate insofar as clinical services are concerned. However, it is incomplete. There are a range of areas of expertise in which psychologists may choose to practice.

The authors of this book, while trained in clinical work, are in the practice of forensic psychology, which is a distinct specialty and not one in which the psychologist provides hands-on help to an individual, couple, or family in distress. Forensic psychology is the application of the science and art of psychology to legal situations and problems. Even though many forensic psychologists have a clinical background, forensic psychology does not have a clinical focus, i.e., there is no patient and there is no treatment.

Forensic psychology and clinical psychology, while similar in some respects, are distinct disciplines.

There has been a significant growth in the field of forensic psychology. The American Board of Professional Psychology (ABPP), incorporated in 1947, has been the primary organization for specialty board certification in the broad field of psychology. The American Board of Forensic Psychology (ABFP) is a subspecialty board of the ABPP. In the fall of 2011, there were approximately 250–300 ABPP board certified forensic psychologists in the United States and an unknown number of psychologists who specialize in forensic work but are not board certified. On top of that, there are many psychologists who dabble in forensic practice, occasionally performing child custody or other types of forensic evaluations, and who find themselves called to testify in court on occasion. While we recognize that there is a range of quality in their work, it is clear that forensic psychology is a growing area of specialization.

In 1991, the American Psychological Association (APA) first promulgated *Specialty Guidelines for Forensic Psychologists*, which was revised in 2011.² In 2006, the Association of Family and Conciliation Courts (AFCC) promulgated the revised *Model Standards of Practice for Child Custody Evaluation*.³ While these guidelines and standards are aspirational in nature, they serve to highlight, inspire, and motivate best practices in forensic psychology. As stated in the introduction to the APA's *Specialty Guidelines*, the goals of the guidelines are to “improve the quality of forensic psychological services; enhance the practice and facilitate the systematic development of forensic psychology; encourage a high level of

2. AM. PSYCHOL. ASS'N, SPECIALTY GUIDELINES FOR FORENSIC PSYCHOLOGISTS (rev. 2011) [hereinafter APA SPECIALTY GUIDELINES].

3. ASS'N OF FAMILY & CONCILIATION COURTS, MODEL STANDARDS OF PRACTICE FOR CHILD CUSTODY EVALUATION (2006) [hereinafter AFCC MODEL STANDARDS]. The original *Model Standards* was published in 1994.

quality in professional practice; and encourage forensic practitioners to acknowledge and respect the rights of those they serve.”⁴ Psychologists providing forensic services would be wise to take guidance from *Specialty Guidelines* and *Model Standards* and refer to them frequently while conducting this challenging work. *Specialty Guidelines* and *Model Standards* can also provide guidance to consumers of forensic psychological services, specifically attorneys, judicial officers, and the courts—i.e., consumers within the legal system.

Forensic psychology refers to

professional practice by any psychologist working within any sub-discipline of psychology (e.g., clinical, developmental, social, cognitive) when applying the scientific, technical, or specialized knowledge of psychology to the law to assist in addressing legal, contractual, and administrative matters. Application of the Guidelines does not depend on the practitioner’s typical areas of practice or expertise, but rather on the service provided in the case at hand.⁵

Thus, while a psychologist may identify himself as a forensic practitioner, it is the nature of the work done by a given psychologist that determines whether it is or is not forensic in nature. For example, if a psychologist who has a clinical practice is engaged in a case in which he is asked to report back to the court with regard to the progress of the client in treatment, this psychologist is providing a service that has a forensic element to it. The psychologist’s work on that case is, therefore, at least partially forensic. The distinction between clinical practice and forensic practice is one that, in our experience, is not fully understood by many attorneys and even by many psychological professionals. For this reason, we will identify significant differences between the practices of forensic and clinical psychology in Chapter 2.

Best Interests and Gatekeeping

A critical subject facing those working in the field of family law, whether they are legal professionals or psychological professionals, is the concept of the best interests of the children. Even recognized experts in this concept differ with regard to what it means, how it should be determined, and what factors should be considered in determining what is in the best interests of a child. Thus, this ubiquitous

4. APA SPECIALTY GUIDELINES, *supra* note 2, at 3.

5. *Id.*

term escapes consensus and remains fundamentally vague. It is defined differently from state to state; and even in Arizona, where there are nine statutory factors associated with the best interests of the child,⁶ the meaning behind many of the factors is obscure. Additionally, when psychologists refer to the best interests of children, they are referring to a hierarchical set of factors that may have different meaning for different children in different families and that may be understood differently by psychologists with different backgrounds and different training.

Because the issue of best interests is critical pragmatically and statutorily, the understanding of how each psychologist considers best interests becomes very important when a case goes to trial. Indeed, the trial court might have a very different conceptualization of best interests than the psychologist. Therefore, a particularly vital aspect to the forensic psychology consulting role is helping you, the lawyer, detail and explicate the relevant factors impacting the children's best interests in your given case. In this role in your case, the forensic psychology consultant can help you consider how the relevant factors might be addressed and presented to the court, both as they relate to the facts of the case and as they relate to the factors identified in statutes or case law in your jurisdiction.

For example, many states have a factor that is often referred to as the "friendly parent" factor in the best interests statute. Broadly speaking, this factor gives preference to the parent who is more likely to support the children's relationships with the other parent. Within this context, many psychologists working in the child custody field find the concept of "gatekeeping" helpful in assessing parental attitude toward the coparent's role and involvement in the lives of the children.⁷ Briefly, there are three types of gatekeeping: facilitative, restrictive, and protective. While it is beyond the scope of this chapter to go into detail about this topic, facilitative gatekeeping refers to parenting and coparenting practices that support the child's relationship with the other parent. Restrictive gatekeeping refers to those parenting and coparenting practices that interfere with the child's relationship with the other parent. Finally, protective gatekeeping refers to parenting and coparenting practices that support the safety and well-being of the child even if they limit the support of the other parent, usually due to issues of abuse, substance abuse, or domestic violence. In addition to the three types of gatekeeping, there are parenting/coparenting dynamics in which gatekeeping is particularly relevant in custody disputes. These dynamics include the following:

6. ARIZ. REV. STAT. § 25-403 (2012).

7. See, e.g., Liz Trinder, *Maternal Gate Closing and Gate Opening in Postdivorce Families*, 29 J. FAM. ISSUES, Oct. 2008, at 1298; WILLIAM AUSTIN, LINDA FIELDSTONE & MARSHA PRUETT, BENCH BOOK ON PARENTAL GATEKEEPING IN PARENTING DISPUTES: UNDERSTANDING THE DYNAMICS OF GATE-CLOSING AND OPENING FOR THE BEST INTERESTS OF CHILDREN (2012).

- Whether a parent is proactive toward the coparent
- Whether a parent is inclusive of the coparent
- Whether a parent boosts the image of the coparent in the eyes of the children
- Whether a parent makes ongoing efforts to communicate with the coparent
- Whether a parent is flexible in time-sharing with the coparent

We believe that the concept of gatekeeping is likely to be relevant in nearly every child custody dispute. Gatekeeping provides a framework in which to understand coparenting and its impact on children. It also helps describe risk and protective factors with respect to parents and their attitudes toward one another.

Your consultant can apply this nomenclature to the facts of your case, helping you more clearly and convincingly present to the court evidence related to the friendly parent factor. However, no factor can be applied in a linear or formula-driven manner to a given case. Each case is different and requires a unique and customized approach. In terms of adapting psychological concepts, data, and facts to a given case, an experienced and seasoned consultant is a significant asset.

Take, for example, the advice of Judge James Garbolino, who in a workshop on judicial education described the benefit of using “fuzzy logic” in determining the weighting to be given to different factors based on the particular facts of a given case.⁸ Consider a family in which one or more children have special needs issues (e.g., a child on the autistic spectrum). In assessing the best interests of these children, Judge Garbolino argued that each parent’s capacity and ability to help that child deal with those special needs issues would typically take precedence over gatekeeping issues.

Similarly, in a relocation matter, many states have case law or statutory law that identifies what factors need to be considered when the court makes its decision;⁹ however, the weighting of those factors is unique to each family and potentially to each judge. Many judges and some case law take the position that the decision should come down to whether the children should be primarily with the mother in one location or with the father in another location, and then the child-sharing plan can be formulated under those circumstances. In other jurisdictions, there is an initial burden on the moving parent to show that the move is necessary or beneficial to the children involved. Regardless of such burdens and expectations in your jurisdiction, your consultant or expert witness will provide useful psychological information that will help either you or the court in the weighting of those factors.

8. James Garbolino, Presentation at the National Judicial College, Reno, Nevada: Judging in the Gray Areas (2001).

9. See, e.g., ARIZ. REV. STAT. § 25–408; and *In re Marriage of LaMusga*, 88 P. 3d 81 (Cal. 2004).

These ideas will be discussed more thoroughly throughout the book.

Legal Framework for Consultants and Expert Witnesses

Various legal authorities support the use of either a consultant or an expert witness in child custody cases. Federal Rule of Evidence 702 certainly allows for the use of expert witnesses.¹⁰ Many states have similar rules that are equally applicable. For example, in California, Evidence Code 733¹¹ allows a party to call an expert witness to rebut the conclusions of the court-appointed expert who is appointed under Evidence Code 730.¹² (In a family law case in California, the court can appoint a child custody evaluator as its expert under Evidence Code 730. Evidence Code 733 permits either side, in turn, to call its own expert in response to the Evidence Code 730 expert.) Additionally, in most states, case law specifically provides that courts can or must allow a party to bring in a rebuttal witness if one side or the other so desires.

Furthermore, in 1985, the Supreme Court in *Ake v. Oklahoma* recognized that a consultant could be a valuable member for one side of a case.¹³

In 1985, the Supreme Court of the United States recognized the value and importance of the use of consultants in litigation.

In our experience, family law attorneys have increasingly used non-testimonial, behind-the-scenes consultants for a number of purposes, including, but not limited, to the following:

- Helping formulate case strategy
- Reviewing another expert's work without testifying
- Assisting in formulating direct examination and cross-examination questions
- Identifying and assisting in retaining testimonial experts
- Helping prepare witnesses
- Providing expert information about a particular area, such as domestic violence, relocation, and other cases, without testifying
- Providing a review of the relevant social science literature on factors at issue in a given case
- Assisting with client education and client management

10. FED. R. EVID. 702.

11. CAL. R. EVID. 733.

12. CAL. R. EVID. ID. 730.

13. *Ake v. Oklahoma*, 470 U.S. 68 (1985).

- Being present in depositions and trial as a “second chair” or to caucus and discuss matters during breaks and recesses

These ideas will be explored further in this book.

The Meaning of *Opinion*

Throughout this book, we make many references to the opinion of your consultant or testifying expert. When we use the term *opinion* in this context, we are referring to your consultant’s or witness’s expert opinion. We use the simple term because, for readability purposes, we do not want to be redundant.

So, what is an expert opinion? As explained by Federal Rule of Evidence 702,

[a] witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.¹⁴

Your consultants and testifying witnesses are experts. They are not offering you just any opinions—they are offering you expert opinions. Expert opinions have certain important characteristics. Naturally, if your consultant is a testifying witness, you should make sure that your expert’s testimony conforms to these requirements. In like fashion, even when working with a non-testifying consultant, you should expect that consultant to offer you psychological opinions that are anchored in the same Federal Rule of Evidence 702 requirements (absent, of course, items b and c).

14. FED. R. EVID. 702.

The Bottom Line

It is our hope that this book will serve as an educational and pragmatic tool for the family law attorney involved in child custody disputes. While this book was written primarily for the legal profession, we have designed it to be useful to psychologists and MHPs who occasionally, frequently, or exclusively work within the family law arena. We see the field of forensic consulting as a new and emerging field. We know that, as of the writing of this book, there are no specific standards or guidelines on forensic consulting and expert witness testimony, though some have written about certain concepts of this work.¹⁵ Therefore, we expect those reading and using this book to disagree with some of what is said. We welcome this dialogue since the emergence of any field demands open and wide-ranging discussion and the spirited debate of issues.

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15. See, e.g., 8 J. CHILD CUSTODY: SPECIAL ISSUE ON FORENSIC MENTAL HEALTH CONSULTING IN FAMILY LAW: PART OF THE PROBLEM OR PART OF THE SOLUTION? (2011); Andrew Schepard, *Mental Health Consultants and Child Custody Evaluations: A Discussion Paper*, 49 FAM. CT. REV., Oct. 2011, at 723 (report of AFCC task force).