

Introduction

This book is intended to assist both mental health professionals and attorneys in working together on family law cases to improve their understanding of each other's respective roles. For example, some family law cases may require the involvement of a parenting evaluator (PE) before a parenting plan is entered. Other family law cases may require the involvement of a parenting coordinator (PC) after a parenting plan is entered. We have identified and defined various roles of mental health professionals in Part I.

In Part I, we also examine the parenting evaluation process from the perspective of the mental health professionals who work in the family law arena. We provide a brief overview of the various professionals who may be appointed to conduct a parenting evaluation, as well as the various roles that mental health professionals might assume in a family law context. Psychologists play distinct roles in divorce and custody cases, including as evaluators of psychological functioning of children and parents, expert witnesses with regard to the child's best interests, litigation consultants, PCs and divorce coaches, and therapists for the children, parents, or both. They also address issues such as parental alienation and psychological testing in child custody evaluations. The purpose of Part I is to provide some definition and clarification about the roles of

mental health professionals in family law settings and to identify how those roles are used by attorneys in litigating their cases. In addition, we will address the attorney's role representing clients on cases involving custody and parenting plan disputes and how attorneys work with PEs to best assist their clients.

In Part II, we review the sources of authority that govern the practice of forensic mental health assessment in general, and parenting evaluations in particular, including relevant laws, professional standards and guidelines, and principles of ethical forensic practice. We also review the authority applicable to attorneys in working with PEs. The purpose of Part II is to offer some insight and understanding about the underlying "rules" for conducting a parenting evaluation.

In Part III, we consider the many opportunities for cooperation between the PE and the family law attorney throughout the parenting evaluation process. The purpose of Part III is to help family law attorneys better understand the goals of the PE at each step of the process. Additionally, Part III will assist mental health professionals in understanding the attorney's goals for the process. The end goal is to assist with improved communication and cooperation between professionals working in family law.

In Part IV, we explore some of the "consulting" roles that a mental health professional might perform to assist family law attorneys. While these roles are different from the role of the PE, they are nonetheless important to assist family law attorneys. These roles will educate family law attorneys on what services are available and how to better collaborate with mental health professionals. We will also address the ways attorneys work with mental health professionals in addition to PEs.

We have highlighted tips in each section as quick reference guides for attorneys.

Why a Parenting Evaluation?

In a family law case where the parties disagree about a child's residential schedule, the court may appoint a PE to investigate the relevant issues. In such cases, the court-appointed PE will evaluate both parents, all of the children, and the parent-child relationships. Ultimately, the PE will make recommendations to the court regarding a permanent residential schedule that is designed in the child's best interest. In addition to recommendations about the schedule, the court may also appoint an evaluator to report on specific issues, such as concerns about either parent's mental health, substance use, or domestic violence. Typically, parenting evaluations are used in mediation or settlement conferences to help parents resolve the conflict. Evaluations also assist the court, at trial, in ordering a parenting plan.

Specifically, a PE will make recommendations about:

- The child's residential schedule during the school year
- The child's residential schedule during holidays and vacations
- Whether any visitation or residential time should be supervised
- Who should make major decisions about the children
- How the parents should communicate with one another about the child
- How the parents should resolve disputes about the child
- Whether either parent should meet certain requirements in order to be able to spend time with the children
- Any other relevant issues identified by the court

In disputes that involve complex issues such as major mental health or personality disorders, substance use, domestic violence, or sexual abuse, the court may appoint a mental health

professional, such as a psychologist, social worker, or mental health counselor, to conduct the parenting evaluation. When a mental health professional accepts such a court appointment, he or she assumes an important role in assisting the court, in an effort to meet the best interests of the child.

Cooperation between lawyers and psychologists is necessary to prepare effective parenting plans to provide for the best interests of the children. Ensuring that a child's best interests are protected during high-conflict child custody cases is a challenge, but cooperation between attorneys and psychologists promotes the well-being of children embroiled in these battles and assists courts ruling on custody cases.

Psychologists and attorneys may also work together to determine the merits of alternative conflict resolution methods—such as the use of PCs and child's attorneys—as well as the importance of interventions that assist families in quickly resolving conflict. The single best predictor of a child's emotional well-being is the level of conflict in the home.