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Child Dead and Parent Charged with Murder After Psychologist Recommends Said Parent to Court: Turkat Responds to Gould and Posthuma's Custody-Evaluation Fallacies

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Consider a recent custody dispute presided over by Judge Michael Algeo in Montgomery County, Virginia.[1] Here, a father Judge Algeo ordered previously into supervised visitation was asking the court to remove it. In weighing the request, Judge Algeo ordered the father to have a psychological evaluation. The psychologist who performed the evaluation advised the court it was safe for the child to have unsupervised visits with the father. Judge Algeo endorsed the psychologist's recommendation. The fourth unsupervised visit resulted in the death of the child and the father charged with murder.[2]

In this tragic example, the court had significant concern that led it to originally order supervised visitation, but it then chose to listen to the advice of a psychologist instead of sticking with its own initial judgment. *If the court had not followed the psychologist's recommendation, that child might still be alive today.* The same could be said if the court had not ordered a psychological evaluation in the first place. Can there be any doubt that a psychological evaluation in a custody matter can have harmful effects? As evidenced in Virginia, endorsing a psychologist's recommendation ended in a child's wrongful death.

As I set out to read Drs. Gould and Posthuma's counterpoint, I was hopeful they would present scientific evidence I was unaware of proving that child-custody evaluations benefit children. Unfortunately, they did not present even one scientific study showing that custody evaluations improve children's lives or don't cause harm. Thus, their entire counterpoint is one of opinion and speculation and therefore can easily be dismissed because we are way beyond needing more conjecture about child-custody evaluations; what we need is scientific data *directly on point* about the effects of these evaluations. While Gould and Posthuma acknowledge that there is no scientific evidence that custody evaluations benefit children, they will keep doing them anyway. Thus, *direct, on-point scientific evidence of effectiveness doesn't truly matter to Gould and Posthuma when it comes to custody evaluations.*

So what are children getting from a custody evaluation? Gould admits that child-custody recommendations provided to the court are merely *guesses*.[3] Some custody-evaluator guesses have cost as much as $57,000[4] to over $300,000.[5] Is it right to force children to endure economic injury to their future for such a guess? *Higginbotham*[6] said "no," and 65% of parents in the harmful-effects study said "no." On top of this, Gould revealed that "we often provide testimony to the court about custodial arrangements with the arrogance of 'true' science implied."[7] So not only is the bench getting a guess not based on scientific evidence of efficacy, it is presented with the false implication that there is "true science" behind it. *Such testimony is the opposite of the scientific evidence.* Thus, the judiciary must contend often with twisted custody-evaluator testimony it can't easily unravel, complicated further when wrapped in psychological jargon, while trying to avoid endorsing a custody recommendation that might prove detrimental.

CUSTODY-EVALUATION JARGON AND POTENTIAL HARM

Gould and Posthuma reference the term "scientifically crafted child custody evaluations," which Dr. Gould created,[8] I am sure, with the best of intentions. The judiciary should be wary of this jargon because there is no research in the scientific literature that has crafted a child-custody-evaluation method proven to produce fine rates of beneficial custodial placement without harm. To produce such an effective custody-evaluation protocol would require sophisticated large-scale scientific investigations and take many years to develop.

So what scientific evidence is Dr. Gould referring to in regard

Footnotes

1. Tom Jackman, *Psychologist in Prince Rams Custody Case Paying Mother $550,000 Legal Settlement*, Washington Post, November 8, 2014.
2. Luke Mullins, *The Wrong One*, Washingtonian, December 13, 2013.
3. Jonathan W. Gould, Conducting Scientifically Crafted Child Custody Evaluations (1998).
4. Leslie Eaton, *For Arbiters in Custody Battles, Wide Power and Little Scrutiny*, N.Y. Times, May 23, 2004.
5. I thank the highly respected family-law attorney who provided this information.
6. Higginbotham v. Higginbotham, 857 So.2d 341 (Fla. Dist. Ct. App. 2003).
7. Gould, *supra* note 3, at 37.
8. *Id.*

to "scientifically crafted child custody evaluations"? It can only be on topics *other* than custodial arrangement, since there is no scientific proof of benefit for *any* custody evaluation or plan. Further, Gould has advised custody evaluators that one may "cautiously" provide the court with "opinions that have no basis in behavioral science literature" and does so in his book *Conducting Scientifically Crafted Child Custody Evaluations*.[9] With the oxymoronic quality of this jargon and Gould's admission of the frequent twisted testimony of "true science falsely implied," the court could potentially be misled inadvertently to believe that a particular custody guess has been scientifically validated when, in fact, that guess may be harmful.

To be clear, if we use the most appropriate criterion—a body of direct scientific proof that custody evaluations improve children's lives—there is no such thing as a scientifically crafted child-custody evaluation.

CUSTODY-EVALUATION HARM AND CUSTODY-EVALUATOR GREENBERG

I profoundly disagree with Gould and Posthuma about how we need to respond to the disasters that arise from harmful custody evaluators like Stuart Greenberg. In essence, Gould and Posthuma prefer to sweep under the rug the very vulnerabilities Greenberg revealed in what the judiciary faces when dealing with any custody evaluator, especially prominent ones. I argue that to do so is a disservice to the field, the judiciary, and the children of custody litigation.

When psychologists make mistakes, especially highly egregious ones, it is our duty to learn from them to prevent such mistakes from occurring again. Ultimately, if these mistakes so illustrated by Greenberg are not properly addressed and corrected, children of custody litigants remain no more protected from harm today. Gould and Posthuma unwittingly prove my point. While fully aware of Greenberg's unethical manipulations but choosing to sweep them under the rug, they proposed tips for judges to evaluate a "competent" custody evaluation, including ideas about how to evaluate a custody evaluator. If one were to use Gould and Posthuma's recommendations for identifying a "competent" custody evaluator, Greenberg would have passed their test with flying colors. Consequently, by following their advice, the bench would be in the same position it was in *before* Dr. Greenberg was caught.

It is important to know that Greenberg has not been the only custody evaluator who seriously violated professional rules, manipulated custody-evaluation data, or hurt families; too many custody evaluators have been found guilty of violating ethical codes and/or state licensing law when conducting child-custody evaluations.[10] Permitting a scientifically unproven child-custody evaluation today may come with a degree of risk for exploitation as well.

When psychologists make mistakes . . . it is our duty to learn from them . . . .

POTENTIAL HARM OF CONSTRUING CHILD-CUSTODY EVALUATIONS AS A SETTLEMENT TOOL

Gould and Posthuma justify performing a child-custody evaluation by claiming it serves as a settlement tool. It was disappointing to read their post hoc justification for many reasons.

No proof for claim. They provide no citation of any kind and no scientific data at all for their claim that approximately 90% of custody evaluations result in a settlement. While Gould and Posthuma demand substantiation from others, they don't demand it of themselves.

Misleading statistic. Gould and Posthuma fail to take into account the American Bar Association's statistic that 95% of *all divorces* settle, which *includes contested custody cases*.[11] Thus, contrary to Gould and Posthuma's presentation, there is no apparent better settlement rate for having a custody evaluation done.

Failure to filter key factors. Since 95% of all divorces settle, scientifically Gould and Posthuma would have to present some sophisticated research proving that a custody evaluation *by itself and independent of other factors* results in a superior lawsuit-settlement percentage for their claim to be accurate. No such evidence exists. When a custody evaluation is followed by new negotiations, mediation, and/or litigation and then a settlement, it would be incorrect scientifically to claim the custody evaluation caused that agreement, as the other factors may have been responsible. Further, Georgetown University Professor of Law M. Gregg Bloche has stated that courts have typically rubber-stamped custody-evaluation recommendations;[12] if true, then *a settlement would be primarily due to the rubber-stamping effect and not any value of the custody recommendation*. Clearly, if courts consistently endorsed custody recommendations, it wouldn't matter scientifically whether the recommendations were correct. And, of course, attorneys aware of a court's rubber-stamping history would advise their clients to make decisions accordingly.[13] If broadscale rubber-stamping is in fact true, it would mean, unfortunately, that the courts are likely rubber-stamping a worrisome number of harmful custody recommendations. Without filtering cases by these kinds of factors in relation to the timing and terms of a settlement, scientifically one can easily get an incorrect picture of what truly causes a settlement and inflated claims thereof. Gould and Posthuma provided no such filtering for their claim.

9. *Id.* at 238.
10. Over 20 examples of mental-health professionals subjected to disciplinary actions such as forced surrender of license, monetary penalties, and probation for violating state licensing laws related to custody-evaluation activities can be found on the webpage of the Citizens Commission on Human Rights (co-founded by the late prominent psychiatrist Thomas Szasz, Professor of Psychiatry Emeritus at SUNY Upstate Medical University): http://www.psychcrime.org/articles/index.php?vd=18.
11. *See* Bryan Strong, Christine DeVault & Theodore F. Cohen, The Marriage and Family Experience: Intimate Relationships in a Changing Society 466 (2010).
12. M. Gregg Bloche, The Hippocratic Myth: Why Doctors Are Under Pressure to Ration Care, Practice Politics, and Compromise Their Promise to Heal (2011).
13. *Id.*

[C]ustody evaluations . . . are *not* designed to settle cases.

Not in APA Guidelines. Nowhere in the APA Guidelines on child-custody evaluations does the term "settlement tool" or even the word "settlement" appear.[14] The purpose of a custody evaluation has never been to serve as a settlement tool but rather, as stated in the APA Guidelines, to "assist in determining the psychological best interests of the child" because "the child's welfare is paramount."[15]

Guesses risk harm. Gould and Posthuma's pivot to reframe child-custody evaluations as "settlement tools" risks psychologists contributing to outcomes that are incompatible with APA Guidelines that "the child's welfare is paramount." A psychologist's incorrect guess may influence settlement negotiations to produce an agreement that may be to a child's detriment.

No scientific proof of any benefit. Even if used as a settlement tool and even if 90% of cases settle following a custody evaluation, there is no scientific evidence that this results in beneficial outcomes for children and prevention of harm.

Higher relitigation rates. Research studies show that families participating in child-custody evaluations have a *higher relitigation rate* compared to those not participating in child-custody evaluations.[16] A good "settlement tool" should not lead to higher rates of relitigation.

Confusion about settlement tools. The APA Guidelines on custody evaluations aspire to promote the best interest of children, not settlement rate. Gould and Posthuma seem confused. Settlement tools are not inherently good. For example, aggressive litigation when it is unnecessary is sometimes used as a settlement tool. Likewise, settlements are not inherently good; parents may settle on terms not truly in a child's best interest. A settlement tool that contributes to a worse future for children is not acceptable.

Pressuring families financially. By the time a custody evaluation is completed, it is often late in the litigation sequence of that lawsuit when money is tighter. Litigants have typically spent considerable funds on legal expenses before a child-custody evaluation takes place. And if one party wishes to contest an evaluator's recommendation, *both parties are hit economically with a double whammy*: they must pay for the expensive evaluation and a whole new leg of litigation expenses created *specific to the custody evaluation itself* in terms of case preparation, depositions, experts, hearings, and so forth, that would not have occurred otherwise. Thus, contesting a custody recommendation may be financially unwise for many and may thereby render a litigant more likely to fold, even if the evaluator's guess about custody is wrong. The primary "tool" bringing the parties to settle at that point is depletion of funds, not any "cost-saving value" provided by the custody evaluation.

Underestimated expense inflation. Gould and Posthuma fail to specify how their "settlement tool" can inflate the parties' expenses not just after the evaluation but before it as well. The New York case of *E.V. v. R.V.*[17] demonstrated such expense inflation *before* a scheduled child-custody evaluation began. Here, the court-appointed custody evaluator, a psychiatrist, completed his evaluation and provided recommendations to the court *without being informed* that privately, a psychologist had extensively coached the plaintiff with *over 50 hours of client preparation for the psychiatrist's custody evaluation*.[18] While the psychologist's highly prepped client lost that custody battle and thus would face even more hefty expenditures if an effort to reverse that decision[19] is made, it is clear that the cost of over 50 hours of preparation by the psychologist and any associated legal expenses would never have occurred if a custody evaluation had not been performed.

Better options elsewhere. There are other less expensive tools that are *designed specifically to facilitate settlement*—unlike custody evaluations, which are *not* designed to settle cases. Examples include attorney negotiations, judicial prodding, and mediation. Each of these can be "stepped up" and still be less expensive and less intrusive than custody evaluations.

FALSE, MISGUIDED, AND UNSUBSTANTIATED CLAIMS MADE BY GOULD AND POSTHUMA

Dr. Gould and Dr. Posthuma made so many false, misguided, and unsubstantiated claims in their counterpoint, I cannot properly address them all here given restrictions on journal space. Below are 10 of them, briefly corrected:

CUSTODY-EVALUATION COMPETENCY

Gould and Posthuma: *"We believe that an important solution is for attorneys and judges to become more familiar with what constitutes a competently conducted custody evaluation. Once the bench and the bar become more familiar with knowing how to identify a competently conducted evaluation and then communicating expectations to forensic practitioners that inferior reports will no longer be accepted, then the quality of evaluator reports will rise to meet the expectations of the legal system."*

Turkat: Gould and Posthuma propose turning the judiciary into the custody-evaluator police. This proposal in and of itself should greatly alarm you about the second-rate nature of today's custody evaluations. More critically, however, there is no scientific evidence whatsoever to define a "competent" child-custody evaluation. A far better solution than what Gould and Posthuma proposed is for psychologists to develop clear-cut scientific evidence directly proving that child-custody evaluations benefit children without doing harm. *Psychologists are the ones who need to step up, not the judiciary*. Further, by

14. American Psychological Association, *Guidelines for Child Custody Evaluations in Family Law Proceedings*, 65 Am. Psychol. 863 (2010).
15. *Id.*
16. Michael Saini, *Evidence Base of Custody and Access Evaluations*, 8 Brief Treatment Crisis Intervention 111 (2008).
17. *See* 44 Misc.3d 1210(A), 2014 N.Y. Slip Op. 51085(U).
18. Such preparation raises potential ethical issues I cannot address here. To be clear, I am not making any allegation in this article of unethical behavior in that case.
19. *See* 44 Misc.3d 1210(A).

proposing that you police custody evaluators to identify incompetent ones, Gould and Posthuma unwittingly admit child-custody evaluations can cause harm; otherwise, why would you need a "competent" evaluator? Finally, it would seem that the proper definition to aspire to for a "competent" custody evaluation might be: *a correctly utilized child-custody-evaluation protocol proven directly by a body of scientific research to benefit children and not harm them.* That is what families battling over custody need from custody evaluators, what the judiciary wants from custody evaluators, and what psychology should provide. Of course, if we use that definition, then every custody evaluation performed today would be considered incompetent.

DETRIMENTAL-EFFECTS RATIONALE

Gould and Posthuma: *"Turkat does not explain why it is reasonable to expect potential detrimental effects from a custody assessment."*

Turkat: False. I provided six specific reasons in the introduction to the harmful-effects study in the section labeled "Why Child-Custody Evaluations May Be Detrimental."

EXPERTISE AND JUDGMENT IN CUSTODY CASES

Gould and Posthuma: *"Experienced and qualified forensic psychologists typically have extensive academic and clinical expertise with such cases and know when to consult with other mental-health specialists to determine the relevance of a parent's mental health to the welfare of the children involved."*

Turkat: Experience is not the same as a body of scientific facts, nor is it a suitable substitute. Gould and Posthuma tout the "clinical expertise" of forensic psychologists to make determinations about the welfare of children in custody evaluations. In their example, such expertise includes making clinical judgments that involve "knowing when" and "determining relevance" of "mental health" and the "welfare of children." All four of these terms require making clinical judgments that easily give rise to different interpretations by different psychologists on the same set of case information. Even on a term as common as "mental health," scientists don't agree on how to define it or measure it.[20] Nonetheless, Gould and Posthuma want to reassure you about the clinical judgments made by experienced custody evaluators like themselves. But when discussing elsewhere how custody evaluators depend greatly on clinical judgment in conducting interviews and making observations, Dr. Posthuma stated that "*clinical judgment is notoriously unreliable.*"[21] I agree; the scientific literature shows generally that clinical judgment is unreliable.[22] Yet, when promoting custody evaluations in their counterpoint, *Gould and Posthuma encourage you to rely on custody evaluators' notoriously unreliable clinical judgment without telling you how unreliable such clinical judgment is.* It exemplifies why you should be skeptical of what custody evaluators tell you. What do scientists (not professional custody evaluators) say about such expertise? Prominent scientist Emory University Professor Scott Lilienfeld tells us that "[e]xpertise does not arise solely from experience because there is no guarantee that we are not doing the wrong thing over and over again."[23] Greenberg is an example. Finally, experience is the primary basis underlying custody-evaluator guesses, but a review of scientific evidence by Professors Krauss and Sales reveals the risk for the judiciary to endorse custody-evaluator recommendations for the future of children: "It is well noted that psychologists as a group are particularly inaccurate in making future behavioral predictions and may even be more inaccurate than lay persons are."[24]

Experience is not the same as a body of scientific facts . . . .

ETHICS AND RANDOMIZATION IN RESEARCH ON PARENTING PLANS

Gould and Posthuma: *"The psychological research, conducted by an agency or an academic institution, typically must be approved by an ethics committee. It is unlikely any ethics committee or, for that matter, the judiciary, would randomly make custody arrangements or parenting plans irrespective of the merits or shortcomings of the parenting plan."*

Turkat: False. Having served as a professor on university ethics committees for scientific research, as well as having participated as a co-investigator in a nationwide, multi-center interdisciplinary clinical research trial funded by the National Institute of Health (NIH), I advise the reader that Gould and Posthuma's speculation here is wrong. There is a substantial scientific literature spanning decades of research designed to evaluate a particular assessment procedure or intervention with vulnerable populations that utilized randomization,[25] including use of well-developed NIH-required Data and Safety Monitoring Boards for clinical trials that provide oversight while the study is ongoing for issues such as patient risks, safety, and differential results emerging across research

20. *See* Jose Bertolote, *The Roots of the Concept of Mental Health*, 7 World Psychiatry 113 (2008); Keith Tudor, Mental Health Promotion: Paradigms and Practice (2013).
21. Allan Posthuma, *Current and New Developments in Psychological Testing for Child Custody Disputes*, *in* Handbook of Child Custody 78 (Mark L. Goldstein ed., 2016).
22. Ian Bell & David Mellor, *Clinical Judgments: Research and Practice*, 44 Austl. Psychol. 112 (2009).
23. Jeffrey J. Magnavita & Scott O. Lilienfeld, *Clinical Expertise and Decision Making: An Overview of Bias in Clinical Practice*, *in* Clinical Decision Making in Mental Health Practice 24 (Jeffrey J. Magnavita ed., 2015).
24. Daniel A. Krauss & Bruce D. Sales, *Legal Standards, Expertise, and Experts in the Resolution of Contested Child Custody Cases*, 6 Psychol. Pub. Pol'y & L. 866 (2000).
25. *See* Lawrence W. Friedman, Curt D. Furberg, David L. DeMets, David M. Reboussin & Christopher B. Granger, Fundamentals of Clinical Trials (5th ed. 2015); Handbook of Research Methods in Clinical Psychology (Michael C. Roberts & Stephen S. Ilardy eds., 2003).

[O]ther forensic evaluators have raised . . . that forensic evaluations can cause harm.

groups.[26] Since there is no scientific data proving the benefits or detriments of *any* parenting plan, research that randomly assigns subjects to different *commonly used parenting plans* can indeed be implemented in line with the well-established research protocols and ethical protections already existing in the scientific literature.[27] While Gould and Posthuma doubt the judiciary would randomly assign custody-litigation families to different research groups that might generate different outcomes for children, court participation in randomly assigning contested-custody cases in related psychological research has already been done successfully.[28]

HARM BY FORENSIC EVALUATORS

Gould and Posthuma: *"Whether in court or in journal articles, those who make assertions such as that proffered by Turkat about forensic evaluations causing harm have, in our view, a responsibility to cite empirical research to support such a claim."*

Turkat: I did precisely that. I reported research data from the harmful-effects study. At no point, however, did Drs. Gould and Posthuma meet the *exact same standard they insisted I meet*—"a responsibility to cite empirical research" to prove that custody evaluations improve children's lives. Further, Gould and Posthuma do not seem all that concerned that custody evaluations may harm children, but other forensic evaluators have raised alarm *for decades* that forensic evaluations can cause harm.[29]

DISENCHANTMENT OF RESEARCH SUBJECTS TOWARD CUSTODY EVALUATIONS

Gould and Posthuma: "[*H*]*e could certainly claim that the respondents to his survey were disenchanted."*

Turkat: False. There was no study of "disenchantment" and no specific measurement of it; Gould and Posthuma misinterpret the research methodology and data. When parents report that money spent on a child-custody evaluation was not in their children's best interest or that the custody evaluation made their children worse, I very much doubt that "disenchantment" properly characterizes the reaction of these parents. Like many exploratory studies, a control group was not necessary[30] for the harmful-effects study and certainly not one based on a speculation like "disenchantment."

HARMFUL EFFECTS "BY DEFINITION"

Gould and Posthuma: "[*W*]*e challenge his primary thesis that child-custody evaluations are, by definition, harmful."*

Turkat: False. I did not say that "by definition" child-custody evaluations are harmful. What I did assert was that, just as psychotherapy and diagnostic errors have been shown scientifically to produce harmful effects in a certain percentage of patients, it is reasonable to predict that similar tasks performed by psychologists that involve *making important appraisals of individuals presenting scientifically unclear phenomena* such as in child-custody evaluations, may produce harmful effects as well. And then I provided quantitative evidence of potential harm. What scientific evidence did Drs. Gould and Posthuma present to "challenge" the harmful effects of custody evaluations? None.

BRIEF CUSTODY EVALUATIONS

Gould and Posthuma: "[*T*]*he movement toward brief, focused custody evaluations has been another important change in the custody field. . . . Professional practice guidelines have been promulgated to assist in the formulation and performance of brief, focused evaluations."*

Turkat: There is no scientific evidence that a brief child-custody evaluation benefits children and does not harm them. The same is true of practice guidelines for child-custody evaluations. Even if a brief custody evaluation costs only a nickel, without scientific proof of benefit and absence of harm, a brief evaluation still results in an evaluator's guess that may prove detrimental to children. I suggest keeping this fact in mind: when you shop for a car and buy a lemon, saving a few dollars on the purchase doesn't change the fact that the car is a lemon.

POST HOC JUSTIFICATION OF A CHILD-CUSTODY EVALUATION

Gould and Posthuma: *"A child-custody evaluation is not limited to providing the court with expert opinions about custodial placement and parental decision making. A well-conducted child-custody evaluation may provide the court with information about family functioning that would not otherwise be available to it*."

Turkat: The same post hoc justification can be applied to the content of almost any investigation of a family, whether it be by a guardian ad litem, school counselor, or otherwise.

Critically, however, one must consider a family's financial

26. *See* https://www.nhlbi.nih.gov/studies/clinicaltrials/protect.
27. *See* FRIEDMAN ET AL., *supra* note 25.
28. Robert E. Emery, Lisa Laumann-Billings, Mary C. Waldron, David A. Sbarra & Peter Dillon, *Child Custody Mediation and Litigation: Custody, Contact, and Co-Parenting 12 Years After Initial Dispute Resolution*, 69 J. CONSULTING & CLINICAL PSYCHOL. 323 (2001).
29. *See* Seymour L. Halleck, *The Ethical Dilemmas of Forensic Psychiatry: A Utilitarian Approach*, 12 BULL. AM. ACAD. PSYCHIATRY & L. 279 (1984); ETHICAL ISSUES IN FORENSIC PSYCHIATRY: MINIMIZING HARM (Robert L. Sadoff ed., 2011).
30. An APA PsycINFO database search reveals over 8,000 entries for "exploratory study" in *peer-reviewed* journals in the psychological literature, which includes exploratory studies with and without control groups. *See also* ROBERT A. STEBBINS, EXPLORATORY RESEARCH IN THE SOCIAL SCIENCES (2001).

situation before subjecting it to expensive investigations, and, in the case of psychologists, one must also consider scientific evidence about effectiveness and harm. There is no scientific evidence that a court learning some new information about family functioning from a custody evaluation benefits children.

HYPOTHESIZED CUSTODY-EVALUATION BENEFITS

Gould and Posthuma: "[*T*]*he custody-evaluation process is best regarded as an inoculation rather than a long-term illness. Individuals who are given an inoculation may suffer short-term discomfort from the needle piercing the skin and penetrating into the blood, yet the long-term advantages far outweigh the temporary discomfort."*

Turkat: False. There is no scientific evidence in the literature supporting this speculation by Gould and Posthuma about alleged benefits of custody evaluations. Further, their "inoculation" analogy proves my point: the Centers for Disease Control reports that *any* vaccine can cause problems, and some may cause serious injury or death.[31] As such, it is reasonable to expect that custody evaluations can produce harmful effects, including serious ones.

WHAT SHOULD THE JUDICIARY DO ABOUT CHILD-CUSTODY EVALUATIONS?

Is there really any advantage for children to be subjected to a child-custody evaluation? The evidence to date reveals *none*. It is time to override any existing belief you may have that a custody evaluator's guess about a child's future is going to be better than yours. *Custody evaluators' educated guesses are scientifically no more valid than your own educated guesses about custodial placement*, despite psychologists having had decades to prove otherwise.

Moreover, when you allow a custody evaluation to proceed, you are placing a child at risk for potential harm. Only by participating in a custody evaluation can a child be potentially harmed by that evaluation. *By preventing a child-custody evaluation, you are guaranteeing that child will not be exposed to potential harm from a custody evaluation.*

When the judiciary demands psychologists to provide direct, on-point scientific proof that child-custody evaluations benefit children and do not harm them *before* permitting a custody evaluation, then judges will be providing children of future custody litigation a better opportunity for improved lives and protection from harm that does not exist today. The answer lies in sophisticated, direct, on-point future scientific research on the beneficial and detrimental effects of child-custody evaluations. Demand it of psychologists, and help them identify ways to fund the necessary research; *listen to the scientists over the professional custody evaluators.* If you do so, I am confident that psychologists will rise to the challenge. To date, psychologists have failed you and the children of custody litigation that require your rulings.

It is high time for the science of psychology to deliver its great potential for assisting the children caught in the middle of custody battles. Ironically, in order to help lift child-custody evaluations out of a fantasy of scientific respectability into a better future for the children of custody litigation, *your lead* in this effort is truly essential. Without it, these children remain on course for a future affected by scientifically unsupported and potentially harmful guesses.

Dr. Turkat advises family-law attorneys on child-custody disputes. A licensed psychologist, he has served on the faculty at Vanderbilt University School of Medicine and University of Florida College of Medicine. In 2011, the 50,000-member British Psychological Society named him alongside three of the world's most outstanding clinical psychologists in history for their influential work on case formulation; Dr. Turkat is the only American named among the four. Address all correspondence to: Ira Daniel Turkat, Ph.D., 2015 South Tuttle Avenue, Sarasota, Florida 34239; Telephone (941) 488-8093.

31. *See* http://www.cdc.gov/vaccines/vac-gen/side-effects.htm#hepa.

Answers to Crossword
from page 178