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Statistically Speaking:
**Questioning the Conventional Perceptions of the Mental Health
Professional's Role in Child Custody Evaluations: A Review of Ira
Daniel Turkat's Preliminary Research**

By: Ben Greene

I. INTRODUCTION

Across the United States, children involuntarily arrive to family law courts with their integral interests at hand. When fact finding becomes difficult because parents can no longer agree, judges consult the expertise of mental health professionals to determine a child's best interests in custody disputes. These expert consultations are ordered in the form of child custody evaluations. But what if these evaluations did not add any benefit to involved children's interests? What if these evaluations were detrimental to involved children's interests? Dr. Ira Daniel Turkat, a consultant to family law attorneys, has questioned the conventional beliefs toward child custody evaluations for more than a quarter century. In researching past studies, Turkat has brought attention to the lack of scientific validity in the benefits of child custody evaluations. In his recent 2016 study, *Harmful Effects of Child-Custody Evaluations on Children*, Turkat furthered his hypothesis, theorizing that child custody evaluations created a *detriment* to the children involved. Turkat noted that his study represents the first known statistical research on the issue of whether child custody evaluations provide detrimental effects to involved children. Turkat's statistical findings from the 101 participants of his 2016 study, as an initial investigation, were designed to be exploratory and preliminary in nature. He created this study in hopes that the data supporting his hypothesis spurs further scientific investigations on the topic with more sophisticated, applicable findings.

The importance of Turkat's research lies in the search for the best psychological and financial interests of the children, who, involuntarily, are involved in custody matters in the court. Turkat hopes to spark further investigation and encourage deviation from the presently applied model. Turkat believes the present practice of involving mental health professionals in the child custody cases creates an unintentional detriment to the involved children. A changing in the perspective of the mental health professional's role in custody evaluations may improve the methodology by which courts approach issues of custody. The first of its kind, Turkat's research may spark further investigation and encourage deviation from the currently applied model.

II. QUESTIONING THE MENTAL HEALTH PROFESSIONAL'S BENEFIT

Considering his past research, Turkat raised many potential reasons the mental health professional's present roles and responsibilities should be questioned. Conceding the seeming rationality of mental health professionals being better equipped to make

custody decisions, Turkat says no scientific data currently supports this presumption. Despite their obligation to provide the court with their opinion of best interest, Turkat argues that organizations such as the American Psychological Association (APA) have failed to address the lack of evidence of mental health professionals' benefit. Failure to address the void may stem from mental health professionals' financial incentive to involve themselves in family law cases. Altogether, he believes the conventional belief of a mental health professional's role in child custody hearings is based off "wishful thinking."

Turkat theorizes that custody evaluations may also not be in the best financial interests of the involved children. Families ordered to participate in custody evaluations often incur thousands of dollars in fees, sometimes even tens of thousands. These high costs are incurred at a financially susceptible time for reorganizing families, encountering many newfound expenses. By proxy, children may suffer financial harm. When families spend thousands of dollars seeking a third party's professional opinion on the custody of their child/children, naturally less money is available for spending in other areas. Funds toward recreation, vacation, or savings for the child may no longer be available following custody evaluations, therefore depleting the child's financial interests. In extreme cases, costs incurred by psychologists equaled the families entire net worth. Scientific research indicates economic stability as a leading predictor of how well children adjust to a divorce. That following, Turkat demonstrates how financial strain on a family without substantiated benefit to the child leaves the child ultimately harmed.

Additionally, Turkat believes custody evaluations psychologically harm children. First, Turkat points to many past claims from participants that the experience was detrimental. Scientific studies on the effects of psychotherapy in other areas suggest the possibility of their detriment in child custody evaluations. Turkat cites studies raising the negative effects of psychotherapists, and states that "it is a well-established scientific fact that in their efforts to be helpful, mental health professionals actually harm a subset of their patients." Further, the common errors of this sort cost billions of dollars to remedy. Invading privacy of individuals can induce stress; Turkat suggests the sensitivity of custody evaluations creates an added turbulence for children.

III. THE STUDY

To conduct his study, Turkat deployed a nationally recognized private research firm and developed an online screening process where subjects answered questions one at a time. Any subject not meeting the criteria was removed from the study. Those who met the criteria each identified that they: (1) went through a divorce; (2) participated in a custody evaluation study with a psychologist; (3) were willing to provide details requested about the evaluation; (4) indicated they paid for the evaluation with family funds; and (5) had no relation to any other study participant.

Ultimately, Turkat reached his target sample size of 101 parents. Each participant in the study was asked yes/no questions on whether their custody evaluator did or did not

(1) have any negative effect on any of their children; (2) have any harmful effect on any of their children; and (3) make life worse for any of their children. Then, the participants were asked to select whether if, given what they know today, their children would have been better off if the money spent on the custody evaluation had been spent in another way. Finally, participants were invited to share any other comments on the effects of custody evaluations on their children.

The results of Turkat's survey of parents found that many parents did not believe the evaluations were in the best interests of their children. Turkat thought the results showed that a "remarkable number of children experienced negative effects and that lives were made worse by the recommendations of the custody evaluator." Of the 101 participants, 65% responded that their children would have been better if the money had not been spent on custody evaluations. Twenty-three percent reported that the custody evaluation had negative effects on their children. Nineteen percent answered that the evaluations caused harmful effects to their children, and 20% felt that the evaluations made their children's lives worse.

The voluntary comments left by parents revealed primarily negative revelations. Sixty-six percent of participants elected to comment further on the effects of the child custody evaluations on their children. Many of these comments revealed feelings of tension created in their children. Others described confusion, emotional drain, and unnecessary trauma. Even comments where parents felt their children did not have negative experiences questioned the value and necessity of their evaluation. These comments included thoughts that the custody evaluations only revealed what parents already knew, were a big hassle, and confused the child. Subjects commented that their children would have been better off if the money had been spent on clothes, vacations or necessary hygiene products. Overall, the results showed a majority rejection of the child custody evaluations as occurring in their children's best financial and psychological interests.

IV. TURKAT'S RECOMMENDATIONS TO THE JUDICIARY

After examining the results of his study, Turkat provided advice to the judiciary. Suggesting reconsideration of their approach to ordering custody evaluations, Turkat asks courts to "stay focused on the need for strong scientific evidence *before* authorizing well-intentioned professionals to perform potentially harmful child custody evaluations or unwittingly empowering potentially harmful evaluators." Turkat believes an amount of diligence is owed to the judiciary on behalf of organizations in the mental health profession, such as the American Psychological Association, to *prove* their benefit of the mental health professional in child custody disputes. Unless proven, as Turkat suggests, families may be better off without the inclusion of mental health professionals in decisions of child custody.

V. POTENTIAL ISSUES WITH PROOF AND CONFOUNDING VARIABLES

Despite Turkat's admittance that his study was designed to be exploratory and preliminary, his hypothesis must be reviewed under a cautious light. There is a danger accepting any hypothesis and accompanying statistical research without viewing it through a lens of scrutiny.

First, Turkat suggests that courts need the American Psychological Association (APA) and similar organizations to prove the benefit of child custody evaluations before courts continue the practice of ordering them. However, Turkat does not propose any methods for doing so. How could an intangible benefit be proved greater than the financial costs of the evaluations? Whether a child "benefits" from a custody evaluation contains an immeasurable multitude of variables. Even experienced attorneys, judges, and psychologists in the field of family law struggle to define the "best interest of the child," let alone prove a best interest. In response to this ambiguity, the APA, American Association of Matrimonial Lawyers (AAML), and Association of Family and Conciliation Courts (AFCC) have developed standards to define the roles and responsibilities of psychological evaluators in child custody evaluations. With "benefit" being practically immeasurable, interdisciplinary standards enacted by the APA, AAML, and AFCC are reasonable strides toward achieving the best interest of all children.

Next, Turkat may be consulting the wrong party for accurate data in his study. Turkat's decision to survey parents of children involved in custody disputes may introduce confounding variables. Parents may interject their own negative experiences from a contested custody issue into their answers on behalf of their children. The inclusion of parents' opinions on behalf of their children indicates Turkat's belief that they are the ideal source. However, since a judge is placed in the position of deciding the best interest of the child after consulting a mental health professional, a judge may be better able to objectively determine whether a child benefitted following the evaluation. Furthermore, maybe a child would be better equipped to describe whether they felt the evaluations benefitted themselves. Parents' voluntary comments described negative experiences by their children during the evaluation. This does not necessarily indicate that the experience was negative because of the psychologist—custody disputes are undoubtedly negative experiences for children regardless.

V. CONCLUSION

Ultimately, Turkat's study raises important concerns about the high costs of child custody evaluations. Perhaps a better question would be how costs of child custody evaluations can be managed. His hope to spark further investigation and encourage deviation from the presently applied model should tailor toward families that need access to child custody evaluations by mental health professionals but are burdened by their expense. Conceivably, organizations like the APA, AAML, and AFCC should be called on to include guidelines on fees in their standards. However, the study does not address the

several potential confounding variables in measuring psychological harm of children in child custody cases. Therefore, it is suspect, even in an exploratory and preliminary study, to conclude that the evaluations themselves are harmful to the children.

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