

***Reconceptualizing Child Custody: Past, Present and Future –
Lawyers and Psychologists Working Together***

A Continuing Education Conference

**Cosponsored by the
American Psychological Association
and the American Bar Association Section of Family Law**

**April 30 – May 3, 2008
Chicago Marriott Downtown Magnificent Mile Hotel
Chicago, IL**

WEDNESDAY, APRIL 30, 2008

5:00-7:30 pm REGISTRATION

5:30-7:00 pm EXHIBITS AND WELCOME RECEPTION

THURSDAY, MAY 1, 2008

8:00-8:15 am WELCOME BY APA AND ABA REPRESENTATIVES

8:15-10:00 am #1-- PLENARY SESSION: FAMILIES, PARENTS, CHILDREN AND SEPARATION/DIVORCE IN THE UNITED STATES TODAY
This session will offer a current overview of the social, psychological, and legal landscape of marriage, cohabitation, separation, divorce, access and custody. Key topics and developments related to divorce, child custody, child adjustment, and children's participation in custody and access disputes will be addressed within a psychological and/or legal framework, while taking account of broad trends.

**Panel: Linda D. Elrod, Esq., Topeka, KS
 Robert E. Emery, Ph.D., Charlottesville, VA
 Joan B. Kelly, Ph.D., Corte Madera, CA
 Cynthia R. Mabry, Esq., Washington, DC**

10:00-10:15 am
Morning Break

10:15-11:45 am Four Concurrent Sessions ---

- **#2 -- SEPARATION/DIVORCE EDUCATION PROGRAMS**
Discussion of rationale, content, and efficacy of Separation/Divorce Education Programs with an emphasis on identifying effective components of these programs, as well as persons who are most and least likely to benefit from them.

**Panel: Sanford L. Braver, Ph.D., Tempe, AZ
 Susan L. Pollet, Esq., White Plains, NY**

- **#3 -- MEDIATION**
This session will provide an overview of mediation goals and techniques from both legal and psychological perspectives. Panelists will address the mediation process and its efficacy, along with identification of effective components and children and parents who are most and least likely to benefit from it.

**Panel: Robert E. Emery, Ph.D., Charlottesville, VA
 Larry R. Rute, Esq., Topeka, KS**

- **#4 -- CUSTODY DECISION-MAKING STANDARDS: A DEBATE**
A debate between proponents of different legal tests or decision making standards for custody including, at least, the “best interests” and “approximation” standards.
Panel: Katharine T. Bartlett, Esq., Durham, NC
Robert J. Levy, Esq., Sunny Isles Beach, FL

- **#5 -- FAMILIES IN TURMOIL: REDUCING RISK AND FOSTERING RESILIENCE IN CHILDREN AND YOUTH**
This session will address current research in reducing risk and fostering resilience in children and youth affected by family turmoil. The presenters will explore policy and practice improvements to address the needs of both young children and adolescents who are at high risk due to their experiences with family disruption.
Panel: Howard A. Davidson, Esq., Washington, DC
JoAnne L. Pedro-Carroll, Ph.D., Rochester, NY
Gretchen Viney, Esq., Baraboo, WI

11:45-1:30 pm

Lunch Break

1:30-3:00 pm

Four Concurrent Sessions ---

- **#6 -- CONSIDERING ALLEGATIONS OF SUBSTANCE ABUSE IN CASES OF DISPUTED CUSTODY**
Discussion of how substance abuse may impact parenting abilities and parent-child interactions, along with a review of appropriate assessment approaches and reasoning.
Panel: Brigid A. Duffield, Esq., Wheaton, IL
Thomas J. McMahon, Ph.D., West Haven, CT
- **#7 -- CONSIDERING ALLEGATIONS OF DOMESTIC VIOLENCE IN CASES OF DISPUTED CUSTODY**
This session will address the effects of domestic violence on parent-child interactions, family functioning, children’s adjustment and judicial determinations along with a review of appropriate assessment approaches and reasoning.
Panel: Hon. Pamila J. Brown, Ellicott City, MD
Leslie M. Drozd, Ph.D., Newport Beach, CA
Stacey E. Platt, Esq., Chicago, IL
- **#8 -- CONSIDERING ISSUES OF RACE, CULTURE AND ETHNICITY IN ASSESSMENT OF PARENTING AND PARENT-CHILD INTERACTIONS**
Discussion of how parenting attitudes, parenting behaviors, parenting skills and parent-child interactions may vary depending on parents’ racial, ethnic, or cultural backgrounds; how these issues should be considered in cases of disputed custody; and appropriate assessment approaches and reasoning.
Panel: Bonita G. Cade, Ph.D., J.D., Bristol, RI
Solangel Maldonado, Esq., Newark, NJ
- **#9 -- CONSIDERING ALLEGATIONS OF MENTAL DISABILITY IN CASES OF DISPUTED CUSTODY**
This session will address how emotional and behavioral impairments may impact parenting abilities and parent-child interactions, along with a review of appropriate assessment approaches and reasoning and impact in custody determinations.
Panel: Ralla Klepak, Esq., Chicago, IL
Diane T. Marsh, Ph.D., Greensburg, PA

3:00-3:15 pm

Afternoon Break

3:15-4:45 pm

Four Concurrent Sessions ---

- **#10 -- CONSIDERING ALLEGATIONS OF SEXUAL ABUSE IN CASES OF DISPUTED CUSTODY**
Discussion of the potential contributions and limitations of psychological assessment when sexual abuse is suspected from both psychological and legal perspectives.
Panel: Kathryn F. Kuehnle, Ph.D., Indian Shores, FL
John E. B. Myers, Esq., Sacramento, CA

- **#11 -- PARENTING EVALUATION APPOINTMENT ORDERS: A CONCEPTUAL AND PRACTICAL APPROACH TO MANAGING EVALUATIONS FROM THE START**
This session will address important elements of parenting evaluation appointment orders, describing rationales underlying each element, in a manner that clearly identifies the court's expectations and the role of the evaluator as the court's expert.
**Panel: Scott N. Friedman, Esq., Columbus, OH
John A. Zervopoulos, Ph.D., J.D., Dallas, TX**

- **#12 -- PRIVACY, CONFIDENTIALITY AND PRIVILEGE OF HEALTH CARE RECORDS AND PSYCHOTHERAPY NOTES**
Discussion of confidentiality and privilege laws (including HIPAA) that control access to the health care records and psychotherapy notes of persons involved in litigation, rationales for seeking such records, and strategies for gaining and denying such access.
**Panel: Lisa R. Grossman, J.D., Ph.D., Chicago, IL
Gerald P. Koocher, Ph.D., Chestnut Hill, MA
Carlton D. Stansbury, Esq., Milwaukee, WI**

- **#13 -- COLLABORATIVE PRACTICE/COLLABORATIVE LAW: IT'S A PROCESS, NOT AN OXYMORON**
This session will provide an overview of this alternative approach to litigation. Panelists will address the roles of the professionals on the collaborative interdisciplinary team as well as the application of social psychology research to collaborative practice.
**Panel: Mark R. Otis, Ph.D., Dallas, TX
Sherri Goren Slovin, Esq., Cincinnati, OH**

FRIDAY, MAY 2, 2008

8:30-10:00 am

Four Concurrent Sessions –

- **#14-- CUSTODY EVALUATION STANDARDS AND GUIDELINES: SETTING THE FRAME**
This session will address the nature and role of practice protocols in the custody evaluation process, distinguish professional standards from guidelines, and address the levels of authority governing child custody evaluations. Panelists will discuss how existing and proposed professional practice standards and guidelines impact the work of psychologists, how they are viewed within the legal system and how they can be used in the courtroom to affect the outcome of a case.
**Panel: Mary A. Connell, Ed.D., Fort Worth, TX
Timothy M. Tippins, Esq., East Greenbush, NY**

- **#15-- ADMISSIBILITY OF EXPERT TESTIMONY IN CASES OF DISPUTED CUSTODY**
Discussion of the law controlling, and rationale for admitting expert testimony in cases of disputed custody, with an emphasis on identifying appropriate limitations.
**Panel: Stephen J. Anderer, Ph.D., J.D., Philadelphia, PA
Jeffrey P. Wittmann, Ph.D., Albany, NY**

- **#16-- INTERVIEWING CHILDREN AND THE APPROPRIATE CONSIDERATION OF CHILDREN'S EXPRESSED PREFERENCES IN CASES OF DISPUTED CUSTODY**
This session will present research findings on appropriate interviewing strategies for young children along with a discussion of psychological factors to consider when attempting to make sense of and give weight to children's presentations, representations, and preferences. (Part I with Part II being Session #20)
**Panel: Donald N. Duquette, Esq., Ann Arbor, MI
Karen J. Saywitz, Ph.D., Los Angeles, CA**

- **#17 -- LEGAL ETHICS IN CHILD CUSTODY PROCEEDINGS (for attorneys)**
Presenters will identify situations in which ethical issues are likely to occur in the context of representing parents in child custody proceedings, ways in which ethical dilemmas might have been avoided, and ways to address the ethical dilemma once it has occurred.
**Panel: Lewis Becker, Esq., Villanova, PA
Michael C. Gottlieb, Ph.D., Dallas, TX
Dianna J. Gould-Saltman, Esq., Los Angeles, CA**

10:00-10:15 am
Morning Break

10:15-11:45 am

Four Concurrent Sessions ---

- **#18 -- HEARSAY: USES AND PROBLEMS IN CHILD CUSTODY PROCEEDINGS**
Discussion of the value of and need for third party information in cases of disputed custody, while highlighting admissibility issues. This session will address different types of collateral sources, appropriate information gathering approaching, procedures for securing “informed consent,” assessing the objectivity and validity of third party information, and hearsay concerns from a legal perspective.
**Panel: James N. Bow, Ph.D., Northville, MI
Barton R. Resnicoff, Esq., Great Neck, NY**
- **#19 --THE UTILITY OF PSYCHOLOGICAL TESTING IN CUSTODY EVALUATION CONTEXTS**
Reviewed in this program is the use and misuse of psychological testing in custody evaluation contexts. Different classes of psychological tests are discussed, a checklist to use when considering the use of a particular test is provided, errors commonly made by mental health professionals when employing psychological tests and reporting test results are identified, and strategies attorneys can use when reviewing test-based reports and testimony are provided.
**Panel: Sarah Stark Oldham, Esq., Westport, CT
Randy K. Otto, Ph.D., M.L.S., Tampa, FL**
- **#20--APPROPRIATE IDENTIFICATION AND CONSIDERATION OF CHILDREN’S INTERESTS**
Panelists will discuss appropriate representation of children involved in custody litigation, including differentiation between the two major types of child-attorney roles: *best interests attorney* and *child’s attorneys*. Psychological and contextual issues relevant to considering children’s input in custody proceedings will be presented. The panel will further address problems encountered when roles and duties of attorneys are not adequately defined, and offer guidance for attorneys and mental health professionals who practice in this area. (Part II with Part I being Session #16)
**Panel: Hon. Debra H. Lehrmann, Fort Worth, TX
Martin Guggenheim, Esq., New York, NY
Matthew J. Sullivan, Ph.D., Palo Alto, CA**
- **#21--SEXUAL ORIENTATION AND CUSTODY**
Discussion of the law regarding custody/access and sexual orientation, and review of psychological research regarding impact of parents’ sexual orientation on parent-child interactions and children’s adjustment and functioning.
**Panel: Hon. Patricia M. Logue, Chicago, IL
Charlotte J. Patterson, Ph.D., Charlottesville, VA**

11:45-1:30
Lunch Break

1:30-4:30 pm

#22--MOCK TRIAL-CUSTODY HEARING

This program will include two mock trial hearings of approximately one hour each, followed by a judicial panel of approximately one hour. In each hearing a psychologist will give testimony regarding a contrived custody evaluation under direct and cross-examination before a judge. Following the two hearings, a panel of judges will discuss the issues presented more generally. The focus of the

program will attend chiefly to the process of eliciting and/or impugning expert testimony in such cases. Likely topics will include: a. consideration of collateral sources – assessing credibility; b. voir dire; c. production of file/reference to file while testifying; d. access to test data; e. substantive discussion of test data; f. privilege including for therapists and children; g. methodology such as observations of the child; H. whether the expert will express an opinion as to the ultimate recommendation.

Panel: Hon. John T. Carr, Chicago, IL
Hon. Edward R. Jordan, Chicago, IL
Hon. Maxine Aldridge White, Milwaukee, WI
Robin M. Deutsch, Ph.D., Boston, MA
Gerald P. Koocher, Ph.D., Chestnut Hills, MA
Ken Lester, Esq., Columbia, SC
Dorene Marcus, Esq., Chicago, IL
Greg J. Ortiz, Esq., Highlands Ranch, CO
Catherine Holland Petersen, Esq., Norman, OK

SATURDAY, MAY 3, 2008

8:30-10:00 am

Four Concurrent Sessions –

- #23 -- **THE ROLE AND APPROPRIATE CONSIDERATION OF THERAPISTS' OPINIONS AND INFORMATION IN CASES OF DISPUTED CUSTODY**

The presenters will discuss the role of the treating expert in cases of disputed custody, factors to consider in evaluating therapist information, the appropriate limits on treating expert opinion, and factors to consider in privilege decisions, evaluating the effectiveness of therapy and considering whether to request or recommend a change in children's treatment.

Panel: Lyn R. Greenberg, Ph.D., Los Angeles, CA
David H. Levy, Esq., Chicago, IL

- #24--**LEGAL AND CLINICAL ISSUES IN CASES OF RELOCATION**

This session will provide an update on the state of the law regarding relocation and address psychological factors to consider as well as appropriate assessment techniques and reasoning in relocation disputes.

Panel: Jeff Atkinson, Esq., Wilmette, IL
William G. Austin, Ph.D., Steamboat Springs, CO

- #25--**MODEL MENTAL HEALTH AND CHILDREN'S LAW PROJECTS**

Two years ago, the ABA funded and began studying projects where mental health professionals and children's attorneys partnered to create resources, training, representation, and mental health services for children. This session will present the results of this work, including presentations by two model programs. In addition, the ABA Child Custody and Adoption Pro Bono Project will share the resources it has produced to assist attorneys, mental health professionals and judges in their roles in child custody cases.

Panel: Genie Miller Gillespie, Esq., Chicago, IL
Justine Rakich-Kelly, J.D., Hartford, CT
Linda M. Rio Reichmann, Esq., Hinsdale, IL
Dana Toole, Esq., Helena, MT

- #26--**THIRD PARTIES' CUSTODIAL INTERESTS**

Discussion of disputes regarding the role of grandparents or other third parties in parenting, case law, the impact of severed attachments, and exploration of assessment issues.

Panel: Ann M. Haralambic, Esq., Tucson, AZ
Shelley A. Riggs, Ph.D., Denton, TX

10:00-10:15 am
Morning Break

10:30-12:00 pm

Four Concurrent Sessions ---

- #27-- **NEGOTIATION AND SETTLEMENT TECHNIQUES** (for attorneys)

Discussion of effective negotiation techniques.

Speaker: Sandra Morgan Little, Esq., Albuquerque, NM

- **#28--ATTORNEYS WORKING WITH HIGH CONFLICT FAMILIES**
(for attorneys)
This workshop includes a discussion of the phenomenology of high conflict separation and divorce, and presentation of strategies for attorneys to employ when working with clients who are in conflict and difficult opposing counsel.
Panel: William J. Howe, III, Esq., Portland, OR
Sanford M. Portnoy, Ph.D., Waban, MA

- **#29-- ALIENATION ISSUES: ASSESSMENT AND INTERVENTION**
This session will address complex and controversial issues associated with “alienation” both when it is unrecognized and when it is inaccurately diagnosed. Panelists will describe a valid and useful way to provide the courts with a differential analysis of reasons for children to resist contact with one parent and ways to define accurately the effects of alienation and/or abuse. Some potential avenues for intervention will be presented and discussed from both psychological and legal perspectives.
Panel: Joy Feinberg, Esq., Chicago, IL
Nancy Williams Olesen, Ph.D., San Geronimo, CA

- **#30 --EFFECTIVE PARENTING PLANS FOR CHILDREN: INSIGHTS FROM EMPIRICAL RESEARCH**
This presentation provides an overview of empirical research that contributes to our understanding of appropriate living arrangements for children and adolescents following separation and divorce. The integration of divorce research focusing on various factors associated with children’s adjustment following divorce and child development research on attachment and parent-child relationships provides useful road maps for those involved in developing parenting plans. Child and adolescent views of their post-divorce access arrangements, type and extent of paternal involvement associated with positive outcomes, parental conflict and access, and effective post-divorce parenting will receive particular attention.
Speaker: Joan B. Kelly, Ph.D., Corte Madera, CA

11:45-1:30
Lunch Break

1:30-3:00 pm

Four Concurrent Sessions ---

- **#31--PARENT COORDINATORS: THE GOOD, THE BAD, THE UGLY**
Discussion of legal underpinnings, rationale and efficacy of Parent Coordination, with an emphasis on identifying effective components of these programs, management of the distinction between intervention and evaluation, identifying parents and children who are most and least likely to benefit from Parent Coordination, and possible limitations.
Panel: Bruce A. Copeland, Ph.D., J.D., Bozeman, MT
Robin M. Deutsch, Ph.D., Boston, MA
Sondra I. Harris, Esq., Rockville Centre, NY

- **#32--THERAPEUTIC INTERVENTIONS FOR HIGH CONFLICT FAMILIES**
(for psychologists)
This workshop includes a discussion of the phenomenology of high conflict separation and divorce, with an emphasis on identifying effective psychological interventions, as well as parents and children who are most and least likely to benefit from them.
Speaker: Jay L. Lebow, Ph.D., Evanston, IL

- **#33--CRAFTING VISITATION AND ACCESS ORDERS**
Discussion of critical components of visitation and access orders, including legal custody, physical custodial arrangements/parenting plans, relocation, and resolution of disputes. Specific provisions will be discussed.
Panel: Hon. Nancy J. Katz, Chicago, IL
Shiel G. Edlin, Esq., Atlanta, GA

3:00-3:15pm
Break

3:15-4:45 pm

#34 – WORKING GROUPS' REPORTS

This session will include brief presentations of projects underway and being contemplated by the seven APA-ABA Working Groups established under the auspices of the overarching APA/ABA Collaborative Steering Committee on Children, Families, Divorce and Custody. The Working Groups are charged with exploring legal, psychological, and professional interaction issues as well as development of collaborative activities and projects. The Working Groups are as follows:

- Psychological Evaluation and Assessment
- Custody and Parenting Plans
- Issues of Alleged Abuse, Neglect, and Endangerment
- Representing and Advocating for Children
- Ethics and Standards
- Psychological and Legal Interventions with Parents, Children, and Families
- Alternatives to Current Models and Process

**Panel Co-Chairs: Mary A. Connell, Ed.D., Fort Worth, TX
Gregg M. Herman, Esq., Milwaukee, WI**

CONFERENCE ADJOURNS