

There is really nothing like this book. What makes it especially strong is the clear and detailed background and rationales explaining why each component of a custody evaluation might be necessary and how an evaluator might make appropriate decisions about what to include in their evaluations. The breadth and depth of coverage make this book the definitive handbook for custody evaluators. It is exceptionally well referenced and will equip evaluators with the skills and information necessary to answer challenging questions, including those from hostile lawyers dissatisfied with the recommendations offered.

—**MICHAEL E. LAMB, PhD**, Department of Psychology, Sidney Sussex College, University of Cambridge, Cambridge, United Kingdom

Parenting Plan Evaluations: An Evidence-Informed Approach to Child Custody offers a sophisticated and comprehensive guide to one of the most challenging areas of family law. Grounded in the scientific process, it blends dimensional and categorical analyses with an ecological perspective. Jon Gould and Chris Mulchay have taken their guidance to the next level with new insights, data-gathering tools, and research for conducting one of family court's toughest jobs. For mental health professionals, attorneys, judges, or anyone working in the family court system, this is essential reading if you want to stay current and make decisions in the best interest of children.

—**ROBIN M. DEUTSCH, PhD, ABPP**, independent practice, Newton, MA, United States

Like Gutenberg's printing press, Edison's light bulb, and Jobs's personal computer, this magnificent volume is a game changer. Gould and Mulchay have performed a feat of alchemy: They have taken a million disparate concepts, practices, and cases and produced intellectual gold. Don't let the page count sway you. This volume distills many thousands of pages' worth of insight, concepts, and hands-on practical direction. If you read or rely on one published work in family law, this must be it. Thank you, Jon and Chris, for helping us to better help children.

—**BENJAMIN D. GARBER, PhD**, Family Law Consulting, PLLC, Hollis, NH, United States;
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Introduction: The Forensic Explorer

The courtroom was silent, save for the rhythmic tapping of a pen against the desk of the attorneys, the whispering of the mother to her counsel, and the icy stare of the father across the well of the court. A parenting plan evaluator sat in the witness stand, awaiting the next question. The judge listened and watched intently. The attorneys studied every expression, every breath. The evaluator, an expert witness, knew that the next words spoken could have lasting implications for a family in turmoil. This is the reality of forensic mental health professionals—social scientists navigating the challenging landscape of the legal system, interpreters of human behavior attempting to offer clarity in a storm of emotions, allegations, and uncertainty. Our work, though rooted in science, unfolds in an environment where truth is often obscured by competing narratives and high-stakes conflicts. We are explorers, charting the intricate and often treacherous territory of human relationships, child development, and family dysfunction. To be a parenting plan evaluator is to embrace contradiction. It is to balance scientific rigor with human empathy, to work methodically in the face of intense emotional upheaval, to stand firm in expertise while remaining humble in the face of ever-expanding knowledge. It is to acknowledge the limits of what we know while striving to apply the best of what we know to the unique facts of the case before us. Our task is complex: we gather data, we hypothesize, we assess, we analyze, we write, and often we testify. We leave the controlled environment of our offices and step into the lives of families in crisis. We observe their homes, speak with their children, and gather collateral data

<https://doi.org/10.1037/0000474-001>

Parenting Plan Evaluations: An Evidence-Informed Approach to Child Custody, by J. W. Gould and C. M. Mulchay

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from teachers, therapists, and extended family members. We formulate hypotheses, test them, discard what does not hold up to scrutiny, and refine our conclusions with the methodology of a scientist and the perceptiveness of an investigator. We are not therapists in this role. We do not console, nor do we attempt to heal. Instead, we seek to investigate. We seek to understand. We seek to explain. We are social scientists who employ the scientific method to best comprehend the complexities of family systems during times of great change and stress. We visit family homes, schools, and communities to gain a more complete understanding of the best interests of the child. In this process, we become explorers of human behavior, investigators of relational dynamics, and interpreters of social science research applied to real lives. In this book, we present a comprehensive framework for conducting a parenting plan evaluation (PPE). Our approach emphasizes both the importance of the scientific process and incorporation of Bronfenbrenner's Ecological Model of Human Development. It utilizes evidence-based and evidence-informed structured data-gathering tools. It also reflects the field's shift from categorically diagnosing children and parents to a more flexible, dimensional assessment of children's and parents' behaviors. Later, we elaborate on what these things mean, define some essential terms, and explain how the volume is organized.

SCIENTIFIC PROCESS

Throughout this book, we embrace the importance of the scientific process in our evaluation work, a focus that is consistent with the needs of the court system, the admissibility of expert witness testimony, and the requirements of our ethical obligations to investigate multiple hypotheses. We emphasize the importance of transparency and thoroughness. Parenting plan evaluators are social scientists committed to the scientific process, an empirical process of gathering knowledge through observation, rigorous skepticism, hypothesis testing, analysis, and using multiple methods of independent information to confirm or disconfirm each hypothesis. Parenting plan evaluators are social scientists who employ the scientific process of data gathering and analyses to best understand the complexities of family systems during a time of great change and stress. They are field scientists who move beyond the confines of their offices to visit the family home and interview people from the child's school and community in order to best understand the psychological best interests of the child.

We agree with the intent of the historical perspective that a primary emphasis should remain on understanding the child's unique temperament, personality, strengths, and challenges, with particular attention to how parents support the child's growth and development. We expand this focus to include the myriad factors proposed in the ecological model as applied to analysis of the psychological best interest of the child.

BOOK STRUCTURE AND OVERVIEW

We identify how dimensional models allow for greater nuance in forensic opinions, acknowledging variability in personality traits, symptom severity, and contextual influences. This shift is particularly important in PPEs, where rigid classifications often fail to capture the complexity of individual and family dynamics. By moving toward dimensional assessments that emphasize behaviors rather than diagnoses, evaluators can provide courts with more precise, evidence-informed insights that better reflect the fluid nature of human behavior.

KEY CONCEPTS TO UNDERSTAND

Professionals conducting evaluations must often balance scientific research with practical judgment and real-world circumstances. The following section clarifies the distinction between evidence-based and evidence-informed approaches and how each informs evaluation practices.

Distinguishing Evidence-Based From Evidence-Informed

Throughout this book, we use two terms that need definition: evidence-based and evidence-informed. Evidence-based means “the integration of the best available research with clinical expertise in the context of patient characteristics, culture, and preferences” (American Psychological Association [APA], 2006). For example, in PPEs, an evidence-based approach uses the best available research and literature to form the methods used in the evaluation. Evidence-informed also incorporates scientific evidence, but allows for more practical experience, expert judgment, and contextual factors to guide decision making. While the APA’s definition of evidence-based practice allows for clinical expertise, evidence-informed practice acknowledges that there are times in which there may not be “best available research” to guide the evaluation. Instead, the evaluator may need to rely on standards of practice or available literature. For example, an evaluator may use evidence-informed recommendations about parenting plans, adapting research-backed principles to fit the specific needs of high-conflict families. Our book is subtitled “An Evidence-Informed Approach to Child Custody” because of the complex nature of family dynamics and the lack of definitive scientific evidence on optimal parenting characteristics or child placement outcomes. The field relies on a multifaceted approach that integrates available empirical research, emerging trends, and practitioner expertise. This allows for flexibility and critical thinking in addressing the unique circumstances of each case. Unlike strictly evidence-based practices, evidence-informed evaluations can adapt to cultural backgrounds, community values, and individual preferences while still incorporating the best available knowledge. This approach acknowledges the subjective nature of interpreting family data

and the need for innovation in high-conflict situations where standardized methods may fall short. Ultimately, the evidence-informed model enables parenting plan evaluators to make more nuanced and context-appropriate recommendations in the absence of clear-cut scientific guidelines.

We support the ongoing evolution of psychology, particularly in the field of forensic psychological evaluations, by emphasizing the importance of evidence-based and evidence-informed theories, models, and research. To the best of our abilities, throughout this book, we have consistently advocated for the application of scientifically grounded approaches in conducting and testifying about PPEs.

Parenting Plan Evaluations Versus Child Custody Evaluations

Unlike evidence-based and evidence-informed, the terms *parenting plan evaluations* and *child custody evaluations* are essentially interchangeable. Historically, the term “child custody evaluations” has been more common, but the field is gradually shifting to prefer “parenting plan evaluations.” For instance, in 2022, while the APA released updated Child Custody Guidelines, the Association of Family and Conciliation Courts (AFCC) published revised Parenting Plan Guidelines. The AFCC replaced the term “child custody evaluations” with “parenting plan evaluations” for several reasons. One key rationale is that the term “child custody” implies possession and control rather than responsibility for a child’s care (APA, 2022). Additionally, many state legislatures across the country are shifting away from the term “custody” in favor of “parenting plan,” reflecting a growing emphasis on parenting access and shared responsibilities. Both the APA and AFCC guidelines center on parenting time, parental decision making, and prioritizing the child’s best interests.

We will discuss the value of the scientific process as the basis of data gathering, data analysis, and opinion development. The scientific process, however, is not a test. It is a way of thinking about data gathering, data analysis, and data interpretation. Methodology identifies what we assess, not how it is assessed. The techniques and tools used to gather information in a forensic assessment include psychological tests, questionnaires, inventories, interview protocols, and observational techniques. In a parenting plan evaluation, the techniques include interviewing the parents, interviewing the child, observing the parent with the child, interviewing collaterals, psychological testing, and record review.

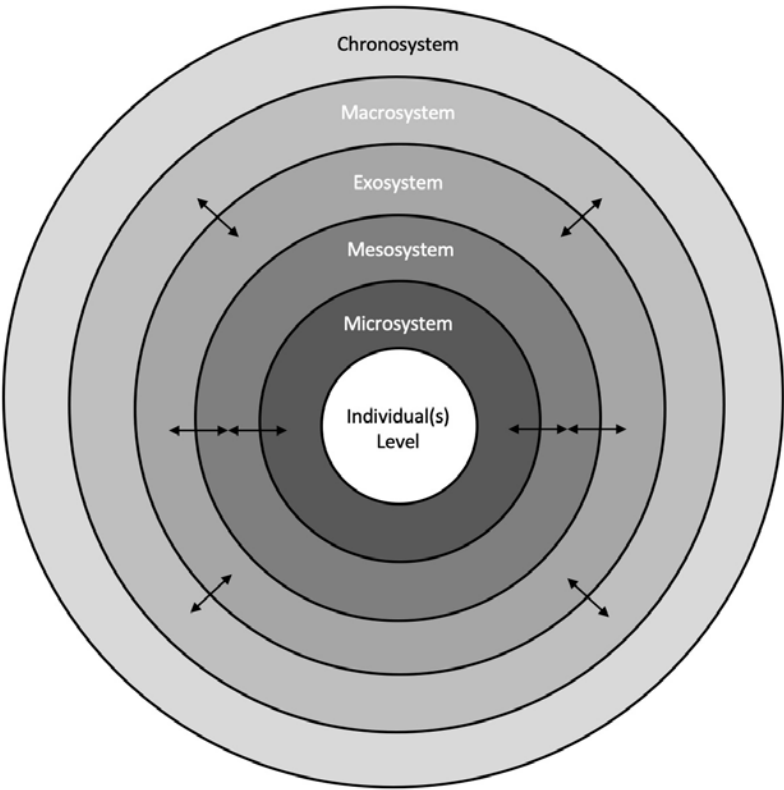
THE ECOLOGICAL MODEL: A FRAMEWORK FOR UNDERSTANDING FAMILIES

In order to develop a balanced and legally sound PPE, evaluators must understand *all* the systems in a child’s life—from individual functioning to broad systemic influences. Thus, the underlying theory of science that guides our approach to PPEs is based on the ecological model of human development developed by Urie Bronfenbrenner (1977) and further elaborated by Jessica

Navarro and Jonathan Tudge (2023). The ecological model, shown in Figure 1, recognizes that human behavior is influenced by multiple systems that interact with each other. Families do not exist in isolation; they are embedded within broader societal, cultural, virtual, social media, and economic structures. As shown in Figure 1, the microsystem includes direct influences such as parents, siblings, and schools, while the mesosystem describes the interactions between those influences. The exosystem consists of broader social, political, and economic forces such as parental workplaces, legal institutions, and extended family, and the macrosystem represents overarching cultural values, norms, and societal expectations.

We wrote this book to honor and document both the history and evolution of the child custody field while also exploring its future through new thoughts, ideas, and evidence-informed approaches. A significant shift is occurring at multiple levels—within professional associations, case law and statutory frameworks, and peer-reviewed literature—moving from the term “child custody evaluation” to “parenting plan evaluation.” As a result, we primarily use the

FIGURE 1. BRONFENBRENNER’S ECOLOGICAL MODEL



Note. From “Bronfenbrenner’s Ecological Model,” in Wikimedia Commons, 2020 (https://commons.wikimedia.org/wiki/File:Bronfenbrenner%27s_Ecological_Model.png). CC-BY-SA-4.0.

term “parenting plan” in this book. Historically, the term “child custody evaluation” focused on the psychological best interests of the child which were defined in psychological literature to reflect the assessment of three factors: (a) parenting attributes, (b) child developmental factors, and (c) the fit between what the parent offered the child and what the child needed. This last factor was referred to as parent–child fit. We believe that the historical focus on these three factors was too limited. As we discuss throughout the book, what is in the best interests of the child can only be understood when considering the multiple, often competing factors that affect the child, parents, family system, and other influences on the child and their family system.

When conducting a PPE, evaluators examine all levels of the ecological model. Of course, at the center of the model, the evaluator examines the child themselves—their emotional, social, and cognitive functioning and what they think and feel about their relationships with their parents, peers, siblings, etc. In the microsystem and mesosystem, the evaluator examines the parents and other close family members, and the relationships between them and with the child. In the exosystem, the evaluator assesses the child’s physical and virtual communities as well as the influence of those communities on others who also influence the child. These systems would include the child’s school, community, activities and friendship groups, and social media. The interactive aspect of the ecological model also points to understanding how family members and others interact with these systems and how those interactions affect the child. In the macrosystem, the evaluator considers the child’s culture and history. By utilizing this model, evaluators work to avoid oversimplified explanations of family conflict. Instead of attributing dysfunction to one individual, the ecological model helps us understand how stressors at multiple levels contribute to conflict and resilience through direct and often indirect influence. Using the ecological model as a framework through which to think about factors that affect the behavior of various family members encourages a holistic and interactive assessment. The ecological model examines not just parental behaviors, child behaviors, and parent–child fit, but also the multitude of interactions within a family and interactions and influence from outside the family that might affect the child and each, some, or all members of the immediate family. Among these nonimmediate family factors that might affect the child and their family environment are community relationships and resources, cultural factors, socioeconomic pressures, and the child’s developmental needs.

STRUCTURED DATA-GATHERING TOOLS

In this book, we have included a wealth of evidence-based or evidence-informed data-gathering tools, such as checklists and structured analytic techniques (SATs). These methods represent a growing trend in forensic evaluations, and they help professionals conduct systematic, transparent, and reliable assessments. Checklists are structured tools used to ensure consistency, complete-

ness, and accuracy in data gathering by outlining key steps, criteria, or tasks that need to be completed. In professional settings, checklists help standardize procedures, minimize errors, and improve decision making. There are several advantages to the use of checklists. They can help reduce the risk of oversights and cognitive biases. They can promote systematic data collection and analysis. They can ensure consistency and transparency in decision making. SATs provide a systematic approach to decision making and data gathering that uses step-by-step methodologies to organize information. SATs reduce the influence of bias as they encourage consideration of alternative explanations. SATs also increase transparency and replicability by ensuring clear documentation of how inferences and conclusions were reached.

FROM CATEGORICAL TO DIMENSIONAL ANALYSES: A SHIFT IN FORENSIC PRACTICE

Throughout the book, we emphasize the evolving trends in the field of PPEs. One such trend is the movement from categorical to dimensional analyses of parents and children. Traditional forensic psychology relied on categorical diagnoses—placing individuals into rigid diagnostic categories based on the *Diagnostic and Statistical Manual of Mental Disorders*. However, contemporary approaches increasingly embrace dimensional analyses, recognizing that psychological characteristics exist on a spectrum rather than as binary traits. For example, as we discuss in Chapter 17, instead of labeling a parent as “narcissistic” or “not narcissistic,” a dimensional perspective examines where on the narcissism spectrum a parent falls, which particular behaviors associated with narcissism affect a parent’s ability to effectively parent a child, and how this influences parenting capacity, the child’s perception of the parent’s competence, and the ability to engage in productive coparenting communication.

This book is divided into five parts.

Part I (Chapters 1–4) lays a conceptual foundation for an evidence-informed approach to PPEs. We explore the critical shift toward scientifically rigorous forensic methods, examining both legal and scientific standards. This section also delves into key evaluation methods and addresses the increasing legal scrutiny surrounding these assessments.

Part II (Chapters 5 and 6) delves deeper into scientific standards and the application of research to individual cases. We explain the distinction between scientific and specialized knowledge, emphasizing that expert testimony must adhere to rigorous methodological standards and be clearly justified. We introduce the so-called “G2i challenge” (i.e., general-to-individual reasoning), highlighting the risks of applying research findings about broad groups to specific custody cases without careful contextual analysis. Courts often struggle with expert testimony that extrapolates from group data without demonstrating its relevance to a specific family, reinforcing the need for forensic evaluators to ensure their conclusions are both scientifically sound and case specific.

Part III (Chapters 7–9) explores how to mitigate bias in your evaluation. Bias is an inevitable human tendency, but in forensic psychology, unchecked bias can lead to significant ethical and professional concerns. Recognizing and controlling for bias requires self-awareness, consultation with colleagues, structured methodologies, and adherence to scientific principles. Common biases discussed in this part include: *confirmation bias* (the tendency to focus on information that supports preexisting beliefs while ignoring contrary evidence), *anchoring bias* (placing excessive weight on initial impressions or early data in an evaluation), and *attribution bias* (overemphasizing personal traits while underestimating situational factors in explaining behavior). Additionally, we examine the impact of sociocultural factors on family dynamics and evaluations, including race, ethnicity, language, gender identity, sexual orientation, and socioeconomic background. Recognizing and addressing these influences ensures fair and informed assessments in forensic practice.

Part IV (Chapters 10–18) covers the fundamental elements of PPEs based upon current peer-reviewed literature, professional practice guidelines, and ethical standards. These fundamental elements include parent interviews, child interviews, parent–child observations, collateral interviews, psychological testing, and records review.

Part V (Chapters 19–23) explores complex and evolving issues in child custody evaluations, including children’s resistance to parental contact (i.e., parent–child contact problems), domestic violence, and parental requests to relocate.

OUR ROLE

We end this introduction chapter with a note about our role as forensic mental health professionals who work in family law. To navigate this field, one must understand not only the research and methodologies that inform best practices but also the adversarial nature of the courtroom. Unlike the collaborative atmosphere of therapy, forensic work exists within a system designed for argument, challenge, and persuasion. Attorneys advocate, judges deliberate, and evaluators must stand as neutral scientists in the midst of it all.

There is an inherent tension in this role. The families we evaluate are often desperate for an ally, for someone to validate their perspectives, their pain, and their sense of injustice. But we are not allies. We are impartial examiners who must resist the pull of advocacy and remain grounded in scientific rigor. This detachment is neither cold nor indifferent—it is a necessary safeguard against bias and emotional entanglement, ensuring that our opinions and the recommendations proffered to the court are based on evidence rather than sentiment.

This book will explore the many dimensions of forensic mental health work in family law—its challenges, its ethical dilemmas, and its profound impact on the lives of children and families. It will challenge you to think critically about your role as an evaluator, consultant, or expert witness. It will ask you to reflect on your own biases, your professional responsibility, and your moral obligation to the families you serve.

The work of forensic psychological experts takes place in a kitchen that is, indeed, very hot. The pressures are often unrelenting. The stakes are high. But for those who persist, for those who commit to the ethical pursuit of truth, the reward is immense. The work we do matters. It shapes families, influences judicial decisions, and, at its best, protects the most vulnerable among us—children who rely on the system to make sense of a world turned upside down.

To be successful in this field, one must possess a rare combination of qualities: scientific knowledge, intellectual curiosity, emotional resilience, ethical fortitude, and the ability to communicate in a clear, concise, and credible manner. One must be willing to withstand scrutiny, to defend opinions and their basis in the face of intense cross-examination, to acknowledge uncertainty where it exists, and to remain ever-vigilant against the insidious influence of bias.

Throughout this book, we will explore how to strengthen these qualities, how to refine the skills required to be an effective and ethical forensic mental health professional, and how to navigate the ever-changing landscape of family law. We will examine the scientific foundations of our work, the legal principles that shape our role, and the practical realities of working in an adversarial system.

As you embark on this work, remember that your role carries immense responsibility—not only in shaping the lives of children and families but also in upholding the integrity of the legal and psychological professions. The emotional toll of this work is real, making self-care and resilience essential to sustaining ethical and effective practice. Your words hold power, and with that power comes the duty to remain objective, evidence-based, and ever-mindful of the impact your evaluations have. This field demands both the humility to recognize when we are wrong and the courage to stand firm when we are right. Growth is continuous, and excellence requires commitment to lifelong learning, reflection, and ethical integrity.

For those who choose to enter this field, the journey is not easy, but it is meaningful. It is a journey of discovery, self-examination, intellectual challenge and excitement, and profound responsibility. And so, we begin this journey together, not as passive readers, but as explorers—searching, questioning, and discovering. For that is what it means to be a forensic mental health professional in family law. That is what it means to seek truth in a world of conflict.

Let the exploration begin.