

Introduction to the PETP Closing Interview

A very detailed step-by-step description of the entire Parenting Evaluation and Treatment Program (PETP) process for evaluating high-conflict, family law cases is found in *Family Evaluation and Custody Litigation* (Benjamin & Gollan, 2003). The video *Child Custody* demonstrates the closing interview. In preparation for this part of the process, a comprehensive report is built throughout the evaluation based upon the following other phases:

- **Phase 1- Pre-evaluation procedures**
- **Phase 2- Clinical Interviews**
- **Phase 3- Observations of Parents and Child(ren)**
- **Phase 4 - Collateral Information**

During Phase 5 – Closing Interview, the evaluator reports structured statements about the various findings (such an approach is designed to meet ethical standard 9.10 of the American Psychological Association [APA] “Ethical Principles of Psychologists and Code of Conduct”; APA, 2002). In organizing the statements, only the facts that have emerged from the corroboration of at least two independent measures are used. Such an approach meets the ethical standards 3.04, 9.01, and 9.06 of the Ethics Code (APA, 2002) and the guidelines 3, 11, 12, and 13 of the APA “Guidelines for Child Custody Evaluation in Divorce Proceedings” (APA, 1994).

During the closing interview, the party is asked to respond to each statement precisely, without straying from the subject. After each question or statement that the evaluator makes, the evaluator provides an opportunity for the party to respond. The statements about the facts supporting the findings often lead to the party making

admissions. This will occur as the evaluator gently challenges any inconsistencies or discrepancies. In effect, the evaluator uses the independent facts about a finding to box in the party and pierce the party's defenses of denial and minimization. This type of process is used during cognitive-behavioral treatment, and similar procedures work well in this therapeutic jurisprudential setting. By testing the probity of the party in this manner, it appears that the party becomes more realistic about their case. Settlements rather than further litigation occur more often with the infusion of reality.

This final interview prepares the parties for the worst of outcomes, provides an opportunity for them to express their dissatisfaction with the evaluation process, and permits an expression of their feelings. This step appears to lessen the anger of the parties and may be integral in diminishing the likelihood of an ethical complaint against an evaluator. After this step, the parties usually believe they have had a full, fair opportunity to dispute any evidence that emerges from the evaluation process.

A comprehensive evaluation report about the case discussed throughout the video is published in Benjamin and Golan (2003). Although an actor is used for the video, the facts are real, and the closing interview occurred much in the same way. Judge Z. ordered this evaluation on September 2, 2000, and directed PETP to investigate and report on issues related to the legal and physical custody of A. (the child), issues of visitation, and decision-making allocation arrangements of a permanent parenting plan that were asked to be modified by the mother. The parents in this case, Mr. D. (the father) and Ms. S. (the mother), agreed in 1999 to a permanent parenting plan organized by a court-appointed mediator. When their child, A. (11 years of age), returned from her weekend visit with Mr. D. on October 10, 1998, Ms. S. observed large red welts on A.'s thighs and buttocks.

Ms. S. reported this to the police, and the outcome of the investigation prompted A.'s transition from her father's care into her mother's home.

PETP's process relies upon the allegations that the parties and the collaterals (usually professionals) involved with the family reveal. Findings result from the comprehensive evaluation of all allegations. Ms. S. raised the following concerns at the beginning of the evaluation:

Allegation 1. Mr. D. emotionally mistreated A. on May 19, 1993, after he sought access to A. through her mother, without talking to Ms. S. about his intention to visit. According to Ms. S., A. was distressed about the unplanned visit. Further, Mr. D. emotionally mistreated A. by using A.'s distress to his advantage. She described a situation when Mr. D. held up A., who was crying loudly, in the grocery store, yelling at Ms. S. for upsetting the child. Further, Mr. D. tells A. that her mother is a failure and does not like being a parent.

Allegation 2. Mr. D. uses a belt to punish A. when she is noncompliant. His beatings leave striking welts and bruises, which have been photographed, on both her back thighs and buttocks. Ms. S. reported that A. seemed to be in pain, and complained after one beating that allegedly occurred the week ending October 10, 1998.

Allegation 3. Mr. D. has threatened to physically harm or mistreat A. On record in a documented police report, he has been seen to have beaten A. once. He has been reported for being physically harsh with his other children at other times.

Allegation 4. Mr. D. has threatened to physically mistreat or harm Ms. S. According to Ms. S., Mr. D. was physically abusive on two occasions, both of which have been documented with police reports.

Allegation 5. Mr. D. created conflict in an abusive way that jeopardizes A.'s well-being. Since Mother's Day in 1993, Mr. D. manipulates when and how he has custody of A., using the presumption that A.'s best interest lies in remaining in the residential placement of her father because she has been with her father for so long. His rigid and authoritarian style has prevented reasonable negotiation and has increased intimidation. Ms. S. stated, "If I disagreed with him, he intimidated me. Telling me that he knew how to play the courts and that he had the favor of the judge because he cared for A. full-time. He insisted from the beginning on having his way."

In the DVD, you will see a full discussion about the evidence that emerged during the evaluation regarding these allegations.

After watching hundreds of hours of videotape of trainees conducting closing interviews, I have attempted to model the process that appears most successful. Many of my trainees are much more accomplished at this task. Trainees that engaged in the most effective process had obtained many hours of experience as cognitive-behavioral therapists. In general, successful closing interviews contain the following components:

1. Set firm professional boundaries throughout the interview by reminding the party about the steps of the closing interview, and summarizing each finding after the party has responded to the facts that support the finding;
2. Contain emotions by reciting the facts, returning the focus of the interview to the facts, and providing the party an opportunity to respond after each fact;
3. Recite only the facts that are supported with concrete examples of specific behavior that have been corroborated by multiple measures;

4. Avoid entering into an adversarial role by using a soft cordial tone, deploying no sarcasm, and avoiding interrupting the party;
5. Remain highly attentive and consistent by honing in on the emerging patterns of behavior, and if possible, noting any *in vivo* behavior that is part of the pattern;
6. Validate any admissions by thanking the party and asking for other specific instances in which the same behavior occurred;
7. Reinforce any prosocial values or behavior, whenever an opportunity arises.

Often the party will attempt to shift the discussion and focus to the other party. Remind the party that the other party will experience a similar process about the findings regarding their allegations and that the hour's focus is on the findings that have emerged about their own behaviors.

In closing, please contact me with any suggestions or questions about the process.

The PETP protocol continues to develop and it would benefit from your involvement.

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