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Divorce and Children: How Psychologists Support Healthy Transitions

Abstract

Family structure and dynamics are changing as the number of divorce cases increases lately. Divorce for the family with children arise the question of custody in the civil justice system. The child custody evaluations (CCE) within the civil justice system become critical based on the principle of protecting the best interest of the children. It has critical function in safeguarding the psychological and developmental well-being of children especially for the conflicted divorce. As the divorce process is a stressful event which can lead to psychological and developmental problems, CCE effectively conducts to protect the psychological well-being of the parties. For that reason, this paper aims to review best practice methodologies in CCE, including from preparation to evaluation to reporting. Preparation before starting to data collection evaluator needs to meet ethical guidelines together with cultural sensitivity, while identifying key challenges, such as the lack of standardized procedures and the gap between legal and psychological approaches. While studies in Turkey showed that for CEE lack of standards in evaluation and educational requirements which can negatively affect the evaluation process. Data collection process needs interviews with all related parties including parents, children and collateral contacts, observation, document review and psychological test results. Lastly, reporting part is crucial as the interpretation of scientific data to address the court question for legal decision-making process. Studies showed that lack of standardized evaluation and reporting process in CEE can be problematic. Standardization is necessary for protection of best interest of the child.

Keywords: Child custody evaluation, Joint custody, Sole custody,
Legal custody.

Boşanma ve Çocuklar: Psikologlar Sağlıklı Geçişleri Nasıl Destekler

Öz

Aile yapısı ve dinamikleri, son dönemde boşanma vakalarının artması ile değişiklik göstermektedir. Çocuklu ailelerde yaşanan boşanma vakaları, medeni hukuk gereğince velayet meselesini de gündeme getirmektedir. Medeni hukuk sistemi içinde yer alan çocuk velayeti değerlendirmeleri (ÇVD), çocukların yararını en yüksek şekilde koruma ve gözetme ilkesi temelinde kritik bir rol oynamaktadır. Özellikle çekişmeli boşanma davalarında, çocukların psikolojik ve gelişimsel iyi hallerini koruma işlevi büyük önem taşımaktadır. Boşanma süreci, psikolojik ve gelişimsel sorunlara yol açabilecek stresli bir olay olduğundan, ÇVD süreci tarafların psikolojik iyiliğini korumada etkili bir şekilde yürütülmelidir. Bu nedenle, bu çalışma ÇVD'nin uygulanması aşamasındaki en etkili metotları; hazırlık, değerlendirme ve raporlama süreçleri bağlamında incelemeyi amaçlamaktadır. Veri

toplamaya başlamadan önce, değerlendirmecinin etik kurallara ve kültürel hassasiyete uygun hareket etmesi, ayrıca standart prosedür eksikliği ve hukuki-psikolojik yaklaşımlar arasındaki boşluk gibi temel zorlukları belirlemesi gerekmektedir. Türkiye’de yapılan çalışmalar, ÇVD’de değerlendirme standartlarının ve eğitim gerekliliklerinin eksikliğinin süreci olumsuz etkileyebileceğini göstermektedir. Veri toplama sürecinde ebeveynler, çocuklar ve ilgili diğer kişilerle yapılan görüşmeler, gözlem, belge inceleme ve psikolojik test sonuçları gibi unsurlar yer almaktadır. Son olarak, raporlama aşaması, bilimsel verilerin yorumlanarak mahkeme karar sürecine katkı sağlaması açısından kritik bir öneme sahiptir. Araştırmalar, ÇVD’de standartlaştırılmış değerlendirme ve raporlama süreçlerinin eksikliğinin sorun teşkil ettiğini göstermektedir. Çocukların yararını korumak adına standardizasyon gereklidir.

Anahtar kelimeler: Çocuk velayeti değerlendirmesi, Ortak velayet, Müstakil velayet, Yasal velayet.



A. INTRODUCTION

The civil justice system is mainly defined as the civil part of the justice system which does not include criminal cases (Solomon, 2010). One of the main objectives of civil justice is to resolve disputes between individuals (Uzelac, 2014). Civil cases include - but are not limited to - property disputes, personal injuries and family issues. Family disputes, i.e. divorce, regulated by family law, are part of the civil justice system (Solomon, 2010). Family law not only regulates the family disputes but also defines the family itself (Diduck & O’Donovan, 2006).

Family is commonly defined as; ‘group linked by blood relationship and by marriage, and commonly by a shared home’ (Miles et al, 2019). However, family concepts have changed socially, politically, culturally and legally in time. Accordingly, from a legal perspective marriage, divorce, child custody and other family related laws have changed over time. In other words, families other than traditional families like married heterosexual adult couples, are legally considered as ‘family’ (Brake & Ferguson, 2018). Thus, family law determines which families are considered to be a family.

Moreover, family relationships, rights and duties are also regulated by law (Miles et al, 2019). Civil cases regarding family disputes consist of but are not limited to divorce, separation, child protection, paternity, family property issues. Divorce is one of the main disputes related to family law. Historically divorce was considered a deviation from the norm; today it is accepted as a normal transition to another type of family structure (Carr, 1995). As divorce rates increased, researchers began examining the underlying causes and consequences of marital dissolution. Results showed that, feelings of unappreciation, jealousy, sexual rejection, infidelity, growing apart, communication problems and abuse are among the most common reasons leading couples to divorce (Canales, 2021; Hawkins, Willoughby, & Doherty, 2012). Recent studies indicate that people’s explanation regarding the causes of divorce is related to mental health issues after the divorce (Cohen & Finzi-Dottan, 2012). High conflict divorce is defined as an ongoing divorce process that lasts at least two years and is accompanied by anger, hostility, and abuse (Levite & Cohen, 2012). In addition, high conflict divorce affects not only the couples but also the children of these couples are affected by this life changing event.

Research on the developmental effects of divorce on children has shown that the impact of divorce on children can be complex and long-lasting (Garriga & Pennoni, 2020). Children of divorced parents show higher levels of anxiety, depression, and lower levels subjective of well-being, academic achievement (Størksen et al, 2005). Factors like age of the child, custody disputes, parental reactions play a role in children’s psychological well-being (Amato & Keith, 1991). Parental conflict has a detrimental effect on children’s well-being. Because high conflict divorcing couples showed more emotional distress, children of these couples suffer from both parental emotional distress and emotional impact of divorce (Kelly & Emery, 2003). Thus, child custody policies and practices are critical.

Children can be part of the civil justice system in numerous ways. As their involvement in the

legal system is a stressful event, it is important to form a child-friendly justice system and to protect children's rights. In this sense, "the best interests of the child" is the main principle guiding the justice system in relation to children. In the Turkish legal system, The family court reviews the divorce agreement to ensure that it complies with legal standards and upholds the best interests of any children involved. Custody determinations are made in accordance with Articles 336 and 337 of the Turkish Civil Code, which prioritize the "best interest of the child" as the guiding principle. To that end, the court may request child custody evaluations by mental health professionals or social service experts to inform judicial decision-making. The integration of psychosocial assessment within the legal framework reflects an interdisciplinary approach to family law, aiming to safeguard the developmental and emotional well-being of children in the context of parental separation. Also as it indicated in the Turkish Civil Code and Convention on the Rights of the Child; children's best developmental interest must be protected by the decision makers in these processes. Because custody decisions are delicate/sensitive issues, most courts around the world rely on psychologists in these evaluations.

B. AIM OF THE STUDY

As the divorce is a major life transition that significantly affects not only the adults involved, but also children, who are often the most vulnerable parties in this process. For children, divorce represents not merely a legal event but a complex psychosocial experience that requires adaptation and developmental support. Therefore, custody decisions should not be viewed solely as legal resolutions to parental disputes; rather, they are life-defining determinations that directly influence children's emotional, psychological, and developmental well-being. In such a context, legal evaluation alone is insufficient. Custody decisions must also integrate social and psychological dimensions to ensure that the best interests of the child are prioritized. This article addresses the necessity and importance of incorporating these dimensions and investigates how this integration can be effectively achieved through the role of psychologists in child custody evaluations.

Given the increasing prevalence of divorce and its profound psychological impact on children and families, child custody evaluations (CCEs) have become a central concern in both legal and mental health domains. When we look at the current statistics in Turkey, 64.26% of the 187,343 divorced families in 2024 were families with children. In 2024, the custody of 186,836 children was finalized during the divorce process. The custody of 74.4% of the children was given to the mother and 25.6% to the father (TÜİK, 2024). In addition to the lack of statistical data on the number of cases in which psychologists provide reports for custody decisions, current practices in child custody evaluations (CCEs) often vary significantly in terms of evaluator qualifications, methodological rigor, adherence to ethical standards, and alignment with child-centered principles (APA, 2010; Pickar & Kaufman, 2013). Psychologists, as mental health professionals, are trained in child development, family systems, conflict resolution, and related mental health concerns. Their expertise is particularly valuable in protecting the psychological and developmental best interests of children during custody disputes (Miller, 2002). The American Psychological Association (APA, 2010) has developed professional guidelines to promote ethical competence and provide structured support for practitioners involved in custody evaluations. The involvement of psychologists in these legal processes fosters a child-centered decision-making approach that aligns with the principle of serving the best interests of the child. Nevertheless, challenges such as lack of standardized procedures, ambiguity in professional roles, and limited integration of psychological insight into judicial systems remain especially prevalent in the Turkish context (Fuhrmann & Zibbell, 2011; Kayma, 2023).

Accordingly, the primary aim of this literature review is to examine the critical role of psychologists in child custody evaluations and to evaluate how their involvement contributes to more reliable, ethically grounded, and developmentally appropriate legal decision-making. The article specifically explores the following research questions: How can psychologists ensure that custody evaluations are both legally admissible and psychologically sound? What are the best practice methods in the preparation, data collection, and reporting stages of child custody evaluations? How do ethical guidelines, cultural sensitivity, and evaluator competence influence the validity and fairness of these assessments? To what extent do current practices in Turkey align with international standards, and what gaps exist in terms of standardization, evaluator qualifications, and multidisciplinary

collaboration? By addressing these questions, this study aims to offer a scientifically informed, child-focused framework for custody evaluations—ultimately contributing to improved judicial practices and the protection of children’s rights and well-being.

C. EFFECTS OF DIVORCE ON FAMILY MEMBERS

From the psycho-legal perspective one of the main aims of the family law is to protect the well-being of family members, to protect them from emotional harm. In order to promote emotional and psychological well-being, divorce can be the last resort for couples. As divorce is one of the major life-changing events that affect the lives of adults socially, economically and psychologically, its effects on people’s lives can be diverse. Studies have shown that not all separations end happily. Some of the researchers found that life satisfaction did not change after the divorce (Mancini et al, 2011) whereas some of the findings concluded that mental well-being was negatively affected (Lucas, 2005). Divorce not only affects couples but their children are also affected by this life-changing event. Studies showed that parental divorce or separation can have serious negative effects on adolescent development, particularly by increasing the risk of externalizing behaviors such as substance use and aggression. Evidence from 34 studies shows that these effects are especially pronounced when divorce occurs early in a child’s life (Bissa et al., 2024).

One of the factors having an impact on children’s well-being during marital separation is the parent’s well-being. Studies have shown that divorce can cause prolonged stress which may cause mental health problems especially for people who had emotional problems before the divorce (Sbarra et al, 2015). Researchers found that within one year after the divorce, the divorcee’s life satisfaction level sharply decreased (van Scheppingen & Leopold, 2019). These results emphasize the importance of the transition period during divorce. Several theoretical frameworks have been proposed to explain the process of post-divorce adjustment. Stage-oriented models conceptualize divorce as a multidimensional and sequential process encompassing emotional, legal, social, and psychological transitions that collectively facilitate adaptation to a new life structure. In contrast, stress and resilience-based approaches, such as Hill’s ABCX Model and McCubbin and Patterson’s Double ABCX and FAAR Models, frame divorce as a family crisis wherein adaptation depends on the interaction among stressors, available resources, and the family’s interpretation of the situation. More recent family resilience theories (extend this perspective by emphasizing families’ capacity for reorganization and transformation in the face of adversity, highlighting resilience as a dynamic and systemic process that fosters recovery and functional adaptation following divorce (Cabilar & Yılmaz, 2022). Increased stress levels can result in mental health problems like depression which can lead to poor parenting (Wood et al, 2004).

It is important to evaluate the effects of divorce, which may have such wider effects on adults with a broad life experience, on children. As the number of the children going under the divorce is increasing, studies regarding to effects of the divorce also increase. Studies conducted in this subject matter showed although resiliency can be protective most of the children especially from disadvantage socio-economical background mental health negatively effected by the divorce. Parental divorce or separation is linked to a higher risk of adjustment problems in children and adolescents. These may include academic struggles, such as poor grades or dropping out of school, as well as behavioral issues like substance use and conduct problems. Affected youth are also more prone to depression, risky sexual behavior, financial hardship, and future family instability. Overall, the likelihood of these challenges increases by 1.5 to 2 times compared to peers from intact families. (D’Onofrio & Emery, 2019). Another study conducted in the Sweden with 12,845 three-year-old children which is representing 66.6% of the target population in the region of Sweden found that children of divorced family prone to mental health problems. Findings indicated that children from intact families exhibited the fewest mental health problems, followed by those in joint physical custody (JPC) arrangements. In contrast, children who lived primarily or exclusively with one parent showed higher levels of mental health difficulties. Additionally, boys were more affected than girls, and children of mothers with higher educational attainment experienced fewer problems compared to those whose mothers had lower levels of education (Bergstrom et al., 2021). It is seen that there is relation between the custody type, parenting factors and childrens’ mental health.

Studies point out that one of the major factors affecting children's well-being during divorce is the parenting of both custodial and noncustodial parents. Divorced parents showed poorer parenting skills (Biblarz & Gottainer, 2000). Poor parenting and poor parent-child interaction adversely affects the child's coping with divorce-related stressors (Afifi et al, 2008). Meta-analysis about parental divorce argued that insecure and disorganized parental attachment is one of the main explanations related to well-being of children (Auersperg et al., 2009). Attachment theory has become influential in custody decisions because it provides an empirical framework linking caregiver sensitivity to a child's attachment security and later development (Groh et al., 2017). the theory remains central to understanding children's emotional needs. In family court contexts, it helps judges evaluate the quality and stability of child-caregiver relationships when determining the child's best interests (Raub et al., 2013). Overall, attachment theory offers scientific guidance for identifying caregiving arrangements that best support children's long-term well-being (Forslund et al, 2019).

Moreover, the relationship between the child and the noncustodial parent can be affected by parental alienation syndrome (PAS) (Beebe & Sailor, 2017). PAS is defined as the estrangement of the child from the parent through denigration and criticism by the other parent. PAS causes children to resist visiting the noncustodial parent (Gardner, 1992). Researchers consider PAS as a form of emotional abuse which negatively affects children's well-being (Baker, 2016). A phenomenological study showed that parental alienation results in anger and isolation in children (Beebe & Sailor, 2017). Another study based on interviews of adults who were exposed to PAS during their childhood by their parents revealed that they suffer from lack of self-esteem, high levels of self-hate, drug abuse, depression, and marriage problems in the long term (Baker, 2005). This qualitative study by Verhaar, Matthewson, and Bentley (2022) explores the long-term psychological effects of parental alienating behaviours (PABs) on adults who experienced them in childhood. Based on the interviews conducted with 20 adult who suffer from PAS in childhood, the study identifies mental health consequences such as depression, anxiety, PTSD, eating disorders, self-harm, suicidal ideation, and substance abuse. Participants also described enduring emotional pain, including feelings of shame, abandonment, low self-esteem, and trust issues. Notably, many participants reported confusion regarding their experiences and struggled with disrupted identity formation. Half had become targeted parents themselves, highlighting an intergenerational transmission of alienation. The study concludes that PABs constitute a form of emotional abuse with serious and lasting psychological consequences, calling for increased awareness, clinical preparedness, and systemic intervention (Verhaar et al, 2002).

Another factor associated with children's mental health is intrafamilial conflict, which can also cause PAS. The systematic review by Lamela and Figueiredo (2016) found that parental conflict after divorce is strongly linked to children's mental health difficulties, particularly behavioral problems and symptoms of anxiety, depression, and somatization. Interparental conflict in the aftermath of divorce can severely impact children's emotional well-being and development.. In 20–25% of divorces, parents maintain high-conflict co-parenting relationships marked by mistrust, poor communication, and lack of cooperation (Ravitz, 2011). In such dynamics, children are often triangulated into parental disputes—used as messengers, confidants, or pressured to take sides—resulting in emotional distress, divided loyalties, and feelings of entrapment (Buchanan & Waizenhofer, 2016; Camisasca et al., 2019). This may escalate into alignment or full-blown parental alienation, where the child rejects one parent entirely, often without ambivalence or guilt (Kelly & Johnston, 2001).

As divorce has a great impact on parents, children and parent-child interaction, custody related issues become crucial for mental health of children and other family members. Since custody decisions affect all parties, custody evaluation should be conducted carefully in order to form the best custody practice that is tailored to the family. The civil justice system offers different types of custody, which are legal custody and physical custody. Legal custody is a term used for the right and responsibility related to child upbringing that includes decisions related to health, education, religion and other issues. Legal custody can be joint custody in which responsibility related to children is shared between two parents or it can be sole custody in which only one of the parents is responsible for decisions about the child. Another type of custody is physical custody which is used for rights and obligations related

to where children live. Similar to legal custody, it can be shared or sole. In shared physical custody, the home of both parents is the place where the children live. By this way, children can spend time with both parents. Joint custody can be preferred in order to ensure the best interests of the child, for fathers to experience the feeling of parenthood and not to be separated from their children, and for mothers not to be overwhelmed by custody obligations and to be able to share them (Ozturk, 2022). In sole physical custody, the child lives with one of the parents and has parenting-time (or visitation time) with the other parent. So, the child spends his/her time mostly with the parent who has physical custody. Hence, there are different custody options, and it is important to consider the child's needs, the family dynamics and the possible outcomes of different custody decisions (Buchanan & Jahromi, 2008).

Different custody options offer different parenting styles which affect children's mental health and well-being differently. Since parenting styles have an impact on children's well-being, custody decisions should be made carefully. Although studies indicate that shared parenting is for the best interest of the child for most of the cases, there are still arguments against it (Kruk, 2008). The qualitative study conducted with noncohabiting parents showed that coparenting after divorce can become deeply strained when parents position one another as "the troublesome other," framing themselves as victims and the other as the source of conflict. Such persistent mistrust and blame narratives hinder the development of cooperative coparenting, making it difficult for separated parents to focus on their shared responsibility and the child's well-being (Stokkebekk et al, 2020). On the other hand, another study showed that shared parenting decreases stress on the child while promoting their well-being even there is intrafamilial conflict (Turunen, 2017). In terms of risky behaviors, joint custody was found to be a protective factor compared to single parent families (Carlsund et al, 2013). A review of forty studies on shared custody concluded that shared parenting has a positive impact on children's emotional, behavioral and psychological well-being. Indeed, this positive effect is seen even in high conflict situations (Nielsen, 2014). Similarly, a review of sixty studies also found that joint physical custody is associated with positive outcomes regardless of parenting, income and conflict (Nielsen, 2018).

Another concern related to shared custody is how parents engage in this process. Research conducted in Sweden emphasized that even parents who are happy to share the responsibility of child rearing, feel uncomfortable to discuss child related issues with the ex-partner (Bergstrom et al, 2019). In most of the cases, a custodial parent who has sole physical custody takes most of the decisions and responsibilities related to children (Turkat, 2002). Children in sole custody arrangements often exhibit lower levels of psychological adjustment, more behavioral difficulties, and reduced life satisfaction compared to those in joint custody settings. Moreover, sole custody may limit opportunities for balanced parental involvement and cooperative co-parenting, which can in turn contribute to higher levels of interparental conflict over time. The study found that joint physical custody benefits children's mental health only when parents maintain low conflict. When parental loyalty conflicts are high, children in joint custody experience a decline in mental health, similar to those in sole custody. Increased parental interaction in joint arrangements may also heighten conflict, reducing the psychological advantages of shared care (Augustijn, 2021). The qualitative study conducted with judges found that sole custody is usually granted when joint custody would endanger the child's well-being. This occurs in cases of severe parental conflict, lack of parenting capacity, or allegations of abuse and neglect, where cooperation between parents is impossible. In such contexts, courts prioritize the child's safety and stability, making sole custody the most protective option (de Alcântara Mendes & Ormerod, 2025).

To sum up, as can be understood from the statistics shared, it is possible to say that children are affected by divorces at quite high rates. Moreover, child custody decisions have a great impact on the lives of family members economically, socially, psychologically. Custody decisions in family courts carry profound psychological implications for children, especially in the context of high-conflict divorces. Research consistently demonstrates that interparental conflict, both during and after separation, is a significant risk factor for child maladjustment, including anxiety, depression, low self-esteem, and behavioral problems (Camisasca et al., 2019). When custody arrangements fail to

adequately protect children from ongoing parental hostility, the child may become enmeshed in loyalty conflicts, triangulated into disputes, or subjected to parental alienating behaviors (Baker, 2005). Such dynamics can result in enduring emotional pain, identity disturbances, and even complex posttraumatic stress symptoms into adulthood (Verhaar et al., 2022). Therefore, custody decisions must go beyond logistical considerations and carefully evaluate the psychological environment each parent offers. A child-centered approach that prioritizes emotional security and continuity of healthy relationships is essential to mitigate the long-term mental health consequences of divorce-related conflict and parental alienation (Kelly & Johnston, 2001; Johnston, 2003). Therefore, how custody processes are carried out and how decisions are taken becomes particularly important. Child custody evaluation is a necessary and critical process in divorce cases. In custody practices both in the world and in our country, the principle of protecting the best interests of children is adopted as the basis. In order to protect the rights and best interests of the child, MHPs should carefully evaluate the case and inform the court.

D. CHILD CUSTODY EVALUATION

Child custody evaluation is one of the most controversial areas of civil law because custody decisions impact all family members. As Dr. Lenore E. Walker said in her speech at the 1998 American Psychological Association convention that "No area in forensic psychology requires more skills than child custody" (Fulero & Wrightsman, 2009). Today, researchers continue to debate which perspective is the best in the decision-making process. The field of child custody decision-making has undergone significant transformation over the past several decades, moving from informal, gender-biased assumptions to more structured, evidence-based practices. In the mid-20th century, custody decisions were often shaped by the "tender years doctrine," which favored maternal custody, reflecting societal norms rather than child-specific needs (Maccoby & Mnookin, 1992). As psychological and legal research evolved, the field began shifting toward the "best interests of the child" standard, emphasizing child welfare, developmental needs, and parental capacity. Keilin and Bloom (1986) were among the first to systematically examine custody evaluation practices, identifying a lack of uniform standards among professionals. Their work laid the foundation for follow-up studies by Ackerman and Ackerman (1997) and Ackerman and Pritzl (2011), which documented gradual improvements in training, methodology, and ethical awareness among custody evaluators. The incorporation of structured forensic guidelines and psychological testing became more common, as did recognition of the psychological harm associated with interparental conflict and parental alienation. Recent efforts, such as those by Ackerman, Bow, and Mathy (2021), emphasize a need for ongoing refinement of custody evaluation practices to keep pace with emerging clinical knowledge and legal reforms. Today, child custody evaluations are increasingly framed within trauma-informed and child-centered paradigms, reflecting decades of empirical research and professional advocacy (Lee, Chung, & Moon, 2020; Rohrbaugh, 2008).

While researchers try to understand which decision-making process is better for child custody, today most of the courts make decisions in order to protect the best interest of the child. MHPs play a crucial role by assessing factors related to emotional, behavioral, psychological and social well-being of children. Parental rights after divorce are closely related to social dynamics that societies' views related to fatherhood and motherhood affected legal decision making. Historically, custody rights shift from father to mother and then to joint custody view. Centuries ago, fathers had absolute rights on children after the divorce. Then by the end of the 19th century the judicial system believed that maternal care was necessary for healthy development, so courts gave custody to mothers. Even though this view is more child centered, it ignores the importance of father-child relationship (Ortega & Berger, 2016). Joint custody, which began to be practiced in Western countries at the end of the last century, was only implemented in Turkey with the decision of the Supreme Court (Yargıtay) in 2017 (Ozturk, 2022). Different countries have different practices in the roles they assign to experts in evaluations regarding custody. When we look at the legal system in our country, the decision on who will be given custody of the child in case of divorce is left to the discretion of the judge. However, if the judge wants to fulfill this decision properly, s/he should get support from experts on the subject (Aydos & Akyol, 2021).

The primary role of psychologists in custody evaluations is to serve the court by providing objective, evidence-based assessments that help determine arrangements in the best interest of the child (Pickar & Kaufman, 2013). Psychologists who are trained and experienced in this field provide evaluations for custody cases. The perspective of mental health professionals gives important insights since their expertise and perspective is different from the court. Psychologists who are more focused on a child's view about the issue and aim to protect the best interest of the child can make evaluations to decide which custody option is better for the child (Bastaitis & Pasteels, 2019). In order to protect children and help MHPs working in this area, a growing number of studies have been conducted.

Therefore, child custody evaluations (CCEs) play a crucial role in enabling courts to make sound and child-focused decisions. Mental health professionals with expertise in this area guide judges by integrating knowledge from both social science and law. Through direct observation of parent-child interactions, collection of collateral information from multiple sources, and the use of evidence-based psychological assessment methods, these evaluations provide the court with objective and empirically grounded data. This process allows judges to base their decisions not solely on the parents' conflicting claims but on the child's developmental, emotional, and social needs (Axelson & Gentile, 2024). Experts who make assessments on who should have custody form the building blocks of custody decisions in court cases, thus demonstrating the necessity of their presence (Buz, Duzyurt & Saglam, 2015). The expert evaluation of custody is an additional source of information for the court and provides the court with a perspective on what is in the best interests of the child that is not readily available to the judge. This increases the fairness of the decision (APA, 2010).

Thus, MHPs can play different roles; mainly they are assigned as an evaluator to the custody case. Evaluation is a complex process which is based on assessment of various factors related to environments. Evaluation process can be divided into stages which are preparation, data collection, interpretation and report writing (Fuhrmann & Zibbell, 2011). Each stage requires competency and knowledge on both psychology and legal issues. As a child custody evaluation (CCE) report is considered as scientific evidence in courts, it must be applicable to legal standards (Pickar et al., 2013). Thus, it is important to make evaluations that are psychologically comprehensible and legally functional.

E. QUALIFICATIONS FOR WORKING AS EVALUATOR

First of all, the evaluator psychologist has to have certain qualifications, knowledge of legal process and ethical issues. According to the Interdisciplinary Child Custody Consultant Task Force (2011) forensic mental health professionals including psychologists who are evaluators in child custody cases should have formal training in the legal, societal, familial and cultural matters. Authors mentioned that for a psychologist to be an evaluator in child custody cases, they have to be qualified with high level competency (Greenberg et al, 2004). One of the competency areas is training and education of psychologists. Evaluators should have competency related to child and adolescent psychology including developmental psychology, personality psychology, family psychology and psychopathology (Fuhrmann et al., 2011). Interviewing and observation skills, knowledge and qualification for administering psychological testing are also necessary skills during the evaluation process (Weinstock & Markan, 2006). According to APA 'Ethical Principles of Psychologists and Code of Conduct', the evaluators should provide service regarding topics they have relevant education, training, experience, supervision. Since this competency evaluation is based on personal measures, there is no minimal standard for evaluators qualification (Weinstock & Markan, 2006). The researchers studying in this area proposed that evaluations should be done only by mental health professionals with doctoral degrees (Grisso, 1990; Weinstock et al., 2006).

In Turkey, however, a bachelor's degree is accepted as adequate to work in the court as an evaluator in child custody cases. As mentioned in the law that psychologist, social service specialists and pedagogues could be charged/appointed for each family court by the Ministry of Justice (Aile Mahkemelerinin Kuruluş, Görev ve Yargılama Usullerine Dair Kanun). Although the legal position and duties of the experts working in the courts are regulated by laws and regulations, the fact that there are deficiencies in the legal regulations and the lack of clear statements in the existing regulations

cause problems in establishing a certain standard in family court practices. Moreover, the lack of role and duty distinctions between the professionals appointed to the same court causes confusion during implementation (Kayma & Olungan, 2014). Psychologists, pedagogues and social workers working within the scope of family courts started to work in the Forensic Support and Victim Services Directorates established in courthouses with a new regulation that entered into force in 2021. Also, these practitioners are started to called as “judicial support officers”. With the new regulation, judicial support officers working in the legal office of the directorate carry out examinations and evaluations in all cases arising from family law as well as custody evaluations (Kayma, 2023). The effects of the new regulation are open to research.

In addition, knowledge regarding legal issues and law should be necessary (Weinstock & Markan, 2006). Evaluator should be familiar with family law, state law, custody law, and legal procedures (Fuhrmann et al., 2011). Since the standard bachelor’s degree education does not necessitate law related courses, psychology graduates are mostly not familiar with legal issues and concepts (Kayma & Olungan, 2014).

Moreover, psychologists have to be proficient in related ethical issues. APA guidelines related to child custody propose that psychologists should follow the ‘Ethical Principles of Psychologists and Code of Conduct’. Even though these principles include competency related principles, role conflict related principles, confidentiality related principles, finance related principles, there are no specific ethical principles related to child custody evaluation. Researchers, who have reviewed evaluation practices, emphasize the need for standards regarding minimal qualifications of psychologists (Kirkpatrick et al, 2011).

F. STEPS OF CUSTODY DECISIONS

1. Preparation for Evaluation

First phase if the preparation phase which is mainly related to clarifying the objective of the evaluation and setting boundaries of the evaluation before starting the process. In other words, the evaluator has to know why evaluation is required. Psychologists can ask for more information and clarification from the parties or court itself in order to clarify the referral question (Fuhrmann et al., 2011). The clarification of details related to cases is helpful for professionals to determine whether specific knowledge is needed regarding a case or whether the evaluator is competent in that subject area. Because some custody cases necessitate competence in specific areas like child abuse or Attention Deficit Disorder, evaluators can decide to refuse the case or accept it (Benjamin & Gollan, 2003). So, the clarification of the referral question is helpful for MHPs to decide if they are competent enough to make evaluations.

Along with, another role of clarifying the purpose of referral is to help MHP to be prepared for evaluation, like deciding which psychological assessment will be done (Fuhrmann et al., 2011). All cases differ from each other and the evaluation process should be tailored to the family and their needs (Gould, 1999). In line with this approach, the clarification of referral questions and cases will be helpful in determining complexity of the evaluation. As the number of aspects that need to be evaluated increases, complexity and number of assessment areas will be increased. Assessment areas will be determined by referral questions, expectation of court and evaluator’s capabilities (Fuhrmann & Zibbell, 2011)

2. Data Collection

The second phase is data collection. After the evaluator prepares to evaluate and schedule appointments, the evaluator can start to collect data. After the evaluator is prepared to evaluate and schedule the appointments, can start to collect data. Data collection stage consists of certain methods like interview, observation and psychological testing to gather information. For best practice, it is important to collect data from different people with different approaches (Fuhrmann et al., 2011). Various methods like retrospective information, observations, interviews are used to collect data for the evaluation. As studies showed there is threat of litigation, risk of complaint and personal harm, to

diminish the effect of these factors being objective, using standard procedures and analyzing information carefully and sensitively is important (Kirkland & Kirkland, 2001).

Interview with Children

One of the data collection methods is an interview. Unfortunately, there is not a structured interview method for the evaluation. Interviews with the child aim to collect information from the child's perspective. Child's understanding of the current situation and divorce is important because evaluators collect information related to the child's understanding of divorce by gathering data regarding parents' communication related to divorce, perceptions on his/her role in divorce (Fuhrmann et al, 2011).

The evaluator collects information about parents not only related to divorce but also their parenting practices, relationship between parent and child, their house setting and rules (Rohrbaugh, 2008). Information related to the parents' interaction style should be collected. Leisure time activities, social activities that child and parent participated in are also other information that can be useful in evaluation (Otto et al, 2003).

Sibling relations of children is another area that evaluators need to know as divorce and custody decisions affect all family members (Schepard, 2004). The placement of siblings is another important issue that should be answered in evaluation (Otto et al., 2003). Although it is generally accepted that it is in the best interest of children to live together in the same household as siblings, in some cases the opposite decision can be taken. This decision can only be taken to protect the best interests of the child. So, information should be gathered related to sibling relations of the child (Shumaker et al, 2011).

The evaluator collects data related to the child's social, psychological, and physical health through an interview (Benjamin & Gollan, 2003). Especially, information related to a child's developmental and psychological health is crucial. Child's history of psychological problems and treatments should be considered during evaluation. Besides, the evaluator should gather information regarding the child's current emotional and psychological responses to divorce (Otto et al., 2003).

With the divorce of the couples, it may be challenging for the child to feel that he/she has to choose one of his/her parents. When the relevant literature is reviewed, it is reported that children who have experienced the divorce process experience more psychological and behavioral problems than children who have not had such an experience (Bulbul & Kaygusuz, 2022). Some of the problems that children face in divorce process are mentioned as uncertainty, insecurity, anxiety, (Ongider, 2013), low academic achievement, loneliness, depression, (Aral & Gursoy, 2000), regression, guilt, fear, anger, sadness, desire for reconciliation (Turkarslan, 2007).

Evaluators are not only responsible to gather necessary information but also responsible to gather sensitive information accurately without causing any harm. For that reason, it is an important issue how the interview is conducted. According to AFCC's Model Standard (2007) child custody evaluators should have competency to conduct interviews with children. Building rapport with children, not causing stress and anxiety in children, using open-ended questions, allowing children to be heard are necessary while interviewing with children (Powell & Lancaster, 2003).

Interview with Parents

Interviewing parents is another data collection method to get detailed information. Evaluators can gather information related to parents' psychological well-being, parenting behaviours, and their relationship with children. Interviews should start with identity, demographic information, family history and personal history. Family history and personal history is important to evaluate possible neglect/abusive family environments (Benjamin & Gollan, 2003). Substance abuse, previous psychological and psychiatric treatment, problems with law should be considered during evaluation (Ackerman, 2006). Then, the evaluator needs to collect data about the relationship of the couple which include history of the relationship, post-divorce relationship, their communication and conflict management strategies (Fuhrmann et al., 2011). Also, data about the parents' current psychological, economic, and social situation is important. Besides their perception of the current situation which

includes the parenting of themselves, and their ex-spouse also should be evaluated (Clark, 1995). Through an interview the evaluator can get information related to parenting philosophy and the existing parenting practices. The interaction between parents and child, caretaking behavior, discipline behaviours, involvement in social activities should be evaluated during the interview with parents (Otto, Buffington & Edens, 2003). Parents' view regarding custody and visiting arrangement should be asked (Ackerman, 2006). The evaluator gathers information through interviews with the parents not limited to topics mentioned previously, but also all the topics that are relevant to psycho-legal questions.

As custody case evaluations are controversial issues, for the evaluator being objective and equally-distanced to each parent is crucial. The parents are needed to be informed about the interview process that the evaluator will not give feedback, support and advice (Benjamin et al., 2003). It is important to be culturally sensitive, to be trained and skilled in interviewing.

Psychological Testing

Psychological testing is widely used by psychologists in custody evaluation. Psychological tests are standardized instruments designed to measure certain psychological constructs such as personality, psychopathology and so on. These measurements help psychologists to base their evaluation on objective data collected through scientifically accepted methods (Brodzinsky, 1993). It is crucial to choose appropriate assessment tools to gather relevant information.

There are various instruments that measure psychological concepts like personality and psychopathology. For CCEs, the evaluator must use psychological tests which are related to the purpose of the evaluation. That is to say, both psychological and legal needs should be considered before choosing a psychological test. According to Otto et al. (2000), instruments chosen for evaluation must be standardized tests with comprehensive guidelines which include psychometric properties and administration process. Instruments must be valid and reliable for peer review. For an evaluation to be scientifically valid, it is crucial to use valid and reliable instruments (Martindale & Gould, 2004). It must measure the construct that is related to the psycho-legal issue. Observations and interviews can be helpful in deciding which psychological instrument to use (Gould, 2005). As long as it is relevant to evaluation, MHPs can use psychological tests to gather information from both children and parents.

Quille and Bow's (2001) study revealed that evaluators prefer objective tests over projective tests in custody evaluations. According to their research results, the most commonly used objective tests are Minnesota Multiphasic Personality Inventory (MMPI) and Millon Clinical Multiaxial Inventory (MCM1)-III. In addition, participants who are Ph.D. psychologists indicate that they use parenting inventories and child rating scales widely. It is found that the participants also used projective tests which are Rorschach InkBlot Test, Sentence Completion Test, Thematic Apperception Test. Different instruments are used to gather knowledge related to different areas like personality of parents, needs of child. For instance, MMPI is used to identify parents with psychological disorders or abusive behaviors (Valerio & Beck, 2017). Besides being a personality test, it is also used to gather information related to personality of the parents especially for assessing domestic violence (Gambetti et al, 2020). In addition, the adolescent form of MMPI, which is MMPI-A, is used in custody evaluations to assess the emotional and psychological functioning of the adolescent whose age is between 14-18 years (Valerio & Beck, 2017). Another example can be The Parenting Stress Index, which was developed for clinical purposes and is widely used in forensic settings. It can be helpful in the forensic area to identify parents who need guidance and support (Abidin et al, 2006).

Psychological Measurement specifically designed for forensic purposes used widely in CCEs along with standardized psychological measurements like MMPI. These instruments are developed to help evaluators address court questions directly (Otto et al, 2000). Psychological instruments developed for forensic purposes are Bricklin Perceptual Scales, Perception-of-Relationships Test, Parent Awareness Skills Survey, and the Parent Perception of Child Profile, Ackerman- Schoendorf Scales for Parent Evaluation of Custody, A Comprehensive Custody Evaluation Standard System (Melton et al, 2017). Although these scales are developed to help MHPs to gather data on a scientific basis, there is not enough research on the validity and reliability of these instruments. As specific tests

developed for custody evaluations, they are valuable instruments to gather data related to psycho-legal issues. Yet evaluations must be carefully analyzed (Otto et al, 2000).

To sum up, psychological testing is widely used by evaluators. Evaluators can obtain information related to both parents and children. By using appropriate valid and reliable instruments, psychologists can gather data regarding a child's emotional, psychological well-being and special needs, child's view regarding parents, and child's perception regarding divorce (Gould, 2014). Besides, psychological instruments help to collect data about parents' current emotional, psychological well-being, psychopathology and parenting. In some cases, evaluators can collect data through psychological testing from significant others like stepparents and teachers (Otto et al, 2000). Psychological tests are important tools that help MHPs to base their evaluation on a scientific basis and to generate hypotheses related to custody (Valerio & Beck, 2017).

The frequency of use of psychological assessment tools in Turkey is found to be less than the levels indicated in the literature. A study conducted in Turkey indicated that court-based evaluators do not use any standardized tests for parents, nor do they use any psychological assessment tools for the child subject to custody (Aydos & Akyol, 2021). In a recent study, it was found that 26.71% of judicial support officers used psychological assessment tools for children, while 43.15% used psychological assessment tools for adults in custody evaluations (Kayma, 2023).

Observation

Observations are helpful in understanding the parent-child relationship. The evaluator observes the behaviors of parents, their parenting behaviours. Structured and unstructured observations give evaluators the opportunity to collect data about parenting behavior, parent-child relationship, parent-child interaction (Otto et al, 2003). During unstructured observations, the evaluator must not comment or interfere in the parent-child relationship unless necessary (Martindale & Gould, 2004). According to Garber (2016), the evaluator's role in structured, process-oriented observation is to systematically collect balanced and representative data about the family system while adhering to ethical and professional standards. The evaluator observes how children and parents manage separations, reunions, and transitions, noting behaviors that reveal attachment patterns, coping strategies, and co-parenting dynamics. Importantly, the evaluator remains neutral, observant, and non-interventionist, ensuring that the process captures authentic interactions while safeguarding participants' well-being and the child's best interests.

Observations can be made in different settings. Some researchers recommend home visits, which help the evaluator to make naturalistic observations. Familiar setting can reduce children's anxiety and stress during observation, which can make children talk and behave more comfortably. It also allows the evaluator to gather information about the home environment (Otto et al., 2003). However, visiting houses more than once is costly and time consuming. Evaluators can make observations in an office. Children may feel uncomfortable in an office setting. Both structured and unstructured observations can be made in the office (Fuhrmann et al., 2011).

Evaluators must be careful with observational data. People may behave differently if they know that they are being observed. Standards for observation changed depending on the number of sessions the researcher conducted, on which areas observation is focused, and which family members are included. For that reason, observations as Hynan (2003) concluded a scientific framework is necessary. It is recommended to create a scientific methodology which is functional, reliable and valid.

Data from Collateral Contacts

Evaluators gather data from the people outside the family such as teachers and doctors. Evaluators can obtain data through collateral contacts to contribute data acquired from litigants. Third parties can give information unavailable to MHPs by parent and child. Besides, data can be used for verification. Information related to parent, child, pre-divorce parent-child relationship and current situation can be gathered. It is proposed that data provided by collateral contacts are more likely to be objective than less biased (Gould, 1999).

Results showed that all evaluators collected data from third parties through interviews. Authors suggested that evaluators should structure interviews with collateral contacts to increase convergent validity and relevance information. Thus, it is recommended to ask the same set of questions to all collateral contacts (Kirkland et al, 2006).

As mentioned above, information gathered from collateral contacts is important for convergent validity. Studies suggest that the closer the relationship between the litigant and the contact, the greater the risk of gathering biased information (Austin, 2002). For this reason, MHPs should be careful about the data during the evaluation. Moreover, the evaluator must be careful in selection of the contacts. Collateral data should be used for specific purposes and these data should be gathered from both parents' contacts to avoid confirmatory bias (Bow, 2010).

Document Review

Documents related to the child, the parent and the child-parent relationship can be beneficial for CCEs. Evaluators can gather information through medical, educational and psychiatric records. MHPs can gather data related to both parents and children through document review. This information can be used to verify information collected from other sources. These data can be used to complete data that may sometimes be missing from interviews. Besides, records can provide insight into the parent-child relationship, the child's need and the parents' well-being (Bow, 2010).

Evaluators must be careful about using documents in an evaluation to ensure that these documents are admissible as evidence. Except for privileged and confidential information, parties must give formal permission for access (Otto et al., 2003).

In summary, studies conducted in this area have shown that nearly all reports are based on interviews with the mother, father and children, collateral contacts, psychological testing of the father and mother and observation in an office setting. Information gathering methods for custody evaluation are a necessity of best practice, yet there is no standardized method for interviews and observations (Kirkland & Kirkland, 2001).

3. Interpretation of Data

Informed by evolving legal, psychological, and cultural paradigms, child custody evaluations have shifted toward a more child-centered, developmentally sensitive framework. Historically, courts often relied on gender-based presumptions, such as the maternal preference doctrine; however, these have largely been replaced by the "best interests of the child" standard, which now guides custody determinations across most jurisdictions (Scott & Emery, 2014; APA, 2010). Within this standard, evaluators are expected to interpret data with a nuanced understanding of the child's emotional, physical, and developmental needs, the quality of parent-child relationships, and the psychological functioning of each parent. This multidimensional approach also considers the child's adjustment to home, school, and social environments, as well as broader contextual factors such as socioeconomic conditions and cultural background (Emery et al., 2005).

Given the high stakes of these decisions, child custody evaluations must be grounded in scientifically valid methodology and adhere to principles of legal admissibility. Mental health professionals (MHPs) are ethically obligated to collect data using hypothesis-driven, empirically supported procedures that consider plausible alternatives and synthesize information from diverse sources (Gould, 1999; Gould & Martindale, 2007). Reports should clearly articulate the data collected, the hypotheses considered, and the logical reasoning that links findings to conclusions and recommendations. Clarity and neutrality are essential, particularly because custody decisions are rendered through varied processes, including mediation, private settlement, and judicial adjudication (APA, 2010).

Fuhrmann and Zibbell (2011) proposed a structured model to promote transparency and reduce interpretive bias in forensic evaluations. Their tripartite framework differentiates among (1) description—empirically verifiable observations and test results; (2) inference—psychological interpretations and custody-relevant constructs; and (3) recommendation—specific legal guidance

based on the integration of the first two domains. This model requires evaluators to maintain clear boundaries between observation and interpretation, thereby improving the objectivity, coherence, and forensic utility of custody reports.

These principles are echoed in professional guidelines from the American Psychological Association (2010), the Association of Family and Conciliation Courts (AFCC, 2006), and the American Academy of Child and Adolescent Psychiatry (1997), all of which emphasize the importance of impartial, empirically grounded interpretation that distinguishes clearly between data, opinion, and recommendations. Similarly, Bow (2006) highlights that many custody evaluation reports lack transparency in how data are translated into conclusions, undermining the reliability of recommendations.

To enhance methodological rigor, Tippins and Wittmann (2005) developed the Four-Level Clinical Inference Model, which builds on Fuhrmann and Zibbell's work. This model consists of four sequential levels: (1) data (e.g., interview content, observations, test scores); (2) intermediate inferences (identifying behavioral and emotional patterns); (3) overall inferences (evaluating parental capacity or child adjustment); and (4) recommendations (formulating legally relevant, evidence-based guidance). This layered structure strengthens logical coherence, supports clinical humility, and functions as an ethical safeguard by requiring transparency in every step of the evaluative process.

Collectively, these models and ethical guidelines frame interpretation not as a subjective exercise but as a structured, empirically anchored process that integrates psychological science with legal relevance. Structured interpretive frameworks ensure that custody evaluations are transparent, consistent, developmentally appropriate, and centered on promoting the child's best interests—principles that are foundational to ethical and effective forensic practice.

4. Report Writing for Court

As with other phases of child custody evaluations (CCEs), there is no universally standardized model for report writing. Nonetheless, research and professional guidelines emphasize that custody evaluation reports should be comprehensive, ethically sound, and accessible to diverse stakeholders—including judges, attorneys, parents, therapists, and, where appropriate, children themselves (Fuhrmann et al., 2011; Pickar et al., 2013). Reports should clearly outline the evaluation methodology, describe the parties involved in developmentally appropriate and culturally sensitive language, integrate collateral and observational data, interpret findings within a structured psychological framework, and conclude with clear, evidence-based recommendations (Pickar & Kaufman, 2013).

Despite this guidance, empirical studies reveal persistent variability and inconsistency. For instance, Bow and Quinnell (2002) found that many evaluation reports omitted critical elements such as informed consent, clinical history, and detailed descriptions of parent-child observations. These omissions diminish both the transparency and the forensic utility of the report, leading to concerns about credibility and ethical adequacy.

To address such concerns, Pickar and Kaufman (2013) proposed an integrated model for high-quality reporting. This model emphasizes that reports should first and foremost respond to the psycho-legal question posed by the court, be grounded in scientifically validated methods, and include a transparent account of the evaluation process—including sources of data, limitations, and alternative hypotheses. Sensitive issues such as domestic violence or parental alienation should be addressed explicitly and carefully, avoiding diagnostic labels that could stigmatize either parent. Reports must present a balanced view of each parent's strengths and challenges and interpret psychological test results cautiously, using them to inform rather than label or harm (Fulero & Wrightsman, 2009).

Another critical aspect is the inclusion of the child's expressed preferences. When the evaluator's recommendations diverge from the child's wishes, the rationale must be clearly articulated, with sensitivity to preserving the child's relationships with both parents. When appropriate, the child's words may be quoted directly to maintain transparency and give voice to the child without breaching

confidentiality or causing harm (Fuhrmann et al., 2011; Pickar et al., 2013).

Beyond content, the communication style of the report is crucial. Reports must be readable, behaviorally focused, and free from jargon and overly technical language. Avoiding complex diagnostic terminology improves accessibility for non-specialist stakeholders. Structuring the report with clear headings, subheadings, line numbers, and a table of contents enhances navigability and comprehension (Pickar et al., 2013). Writing should be concise and direct, yet respectful and humane, especially given the emotional vulnerability of parents involved in custody disputes (Fulero & Wrightsman, 2009).

Custody outcomes are shaped by a range of factual and legal factors, including the child's developmental and psychological circumstances, the quality of the parent-child relationship, parental readiness and prior caregiving involvement, as well as the overall relationship between parents and their ability to cooperate following divorce (Munoz Soro & Serrano-Cinca, 2021). Given the adversarial and emotionally charged nature of many cases, evaluators must remain neutral and avoid any appearance of advocacy. Scientific rigor, transparency, and ethical clarity are essential, as custody reports must not only inform the court but also withstand legal scrutiny (Gould & Martindale, 2007; APA, 2010).

In sum, high-quality custody reports are those that integrate psychological expertise with legal standards, communicate findings clearly and ethically, and maintain a steadfast focus on the child's best interests. The report should reflect the evaluator's competence in both psychological assessment and forensic reporting, ultimately supporting fair, informed, and developmentally appropriate decisions in family law proceedings.

G. ETHICS

The results of studies conducted in this area are helpful in establishing best practice guidelines. Although these guidelines aim to support psychologists and to promote proficiency of psychologists, the lack of standardized evaluation processes and minimum requirements is problematic. The growing literature and concern on custody has led to more professional custody evaluations (Pickar & Kaufman, 2013). The findings help MHPs to define their role and conduct structured, comprehensive evaluations and defining the ethical responsibility.

Psychologists involved in child custody evaluations must navigate a complex ethical terrain marked by dual-role challenges, legal accountability, and heightened emotional dynamics. Core ethical responsibilities include maintaining professional competence, clarifying role boundaries, securing informed consent, managing confidentiality, and avoiding conflicts of interest (Zimmerman et al., 2009). Given the emotionally charged nature of custody disputes, psychologists must remain particularly alert to the risks of countertransference and dual relationships—especially when transitioning between therapeutic and forensic roles (Greenberg & Shuman, 1997). The American Psychological Association's Guidelines (2010) emphasize that evaluations must be impartial, based on empirically supported methods, and grounded in multi-source, comprehensive data. Importantly, forensic evaluators must be transparent with all parties about the non-confidential nature of the process and ensure that their findings are clearly and responsibly communicated to prevent misinterpretation by the court (Condie, 2003).

The Guidelines stress the importance of maintaining role clarity, cautioning that psychologists serving as evaluators must not simultaneously provide therapy to family members, as this dual role risks compromising objectivity and forensic neutrality (Brantley, Drogin & Maddux, 2022). Mental health professionals (MHPs) may take on various roles in custody cases—including evaluator, investigator, mediator, or parent coordinator—each of which carries distinct ethical obligations (Melton et al., 2017). In the evaluator role, psychologists conduct child custody evaluations (CCEs) aimed at informing the court about parenting capacities, parent-child relationships, and factors relevant to the best interests of the child. Although forensic and therapeutic assessments may use similar tools (e.g., interviews, testing, observation), their purposes and contexts differ significantly. Forensic assessments are narrower in scope, court-driven, and constrained by scheduling and

procedural demands, whereas therapeutic work is voluntary and relational in nature. Moreover, forensic evaluations are often met with resistance or misinformation, necessitating careful attention to the accuracy and objectivity of data (Melton et al., 2017).

Ethical custody evaluations require a comprehensive assessment of variables affecting the child's development and well-being, including the child's psychological and physical needs, educational functioning, parent-child interactions, parental mental health, exposure to domestic violence, and relevant environmental or cultural factors (Fuhrmann & Zibbell, 2011; Martindale et al., 2007). When MHPs serve in alternative roles such as mediators or parent coordinators—helping families resolve custody disputes or co-parenting challenges—they must be mindful not to assume incompatible roles within the same case. Shifting from evaluator to intervenor without clear boundaries risks ethical violations and role confusion (Melton et al., 2017). Therefore, psychologists must exercise caution and ethical discernment, particularly when navigating dual roles, to uphold the integrity of their work and the welfare of the children and families they serve.

H. DISCUSSION

Child custody evaluations (CCEs) are essential components of divorce proceedings, conducted by mental health professionals (MHPs) to inform legal decisions affecting children's well-being. As parental separation can significantly disrupt a child's emotional, social, and developmental trajectory, custody determinations carry profound implications. Accordingly, psychologists involved in these evaluations must thoroughly assess the multifaceted factors that influence children's adjustment, ensuring that all procedures—from data collection to reporting—are rigorous, systematic, and ethically grounded.

While a growing body of international literature offers guidelines for best practices in CCEs, the field still lacks universally accepted standards. Most jurisdictions endorse the "best interest of the child" principle; however, this concept is often ambiguously defined and inconsistently applied. Moreover, psychological and legal interpretations of what constitutes a child's best interests may diverge. For example, a psychologist may emphasize a child's need for emotional security and attachment, whereas a court may weigh legal presumptions, custody schedules, or logistical concerns. As Musetto (1981) and Miller (2002) noted, MHPs serve the court but occupy a distinct role. Their primary obligation is to promote psychological well-being, not to make legal determinations. Therefore, MHPs must possess specialized training in child development, family dynamics, forensic ethics, and evaluation methodology. The establishment of minimum competency standards is necessary to ensure consistency and protect the rights of vulnerable family members.

Standardizing the CCE process could address several systemic challenges. Clear protocols for data collection, evaluation tools, observational procedures, and reporting structures would enhance objectivity and inter-rater reliability. For instance, Aydos (2017) emphasizes the need for consistency in reporting formats, inclusion of collateral information, structured observations of parent-child interactions, and use of psychological testing. Such standardization would not only facilitate professional accountability but also improve the quality of recommendations provided to the court.

In the Turkish context, however, the use of psychological testing in CCEs remains limited. This appears to stem from two interrelated challenges: first, a lack of specialized training in psychological assessment among practitioners, and second, a scarcity of culturally adapted or validated tools. As Kayma (2023) observed, Turkish professionals report difficulties in accessing and applying appropriate testing instruments for custody-related concerns. The variety and frequency of tests used remain narrow, potentially limiting the comprehensiveness of evaluations. Comparatively, international guidelines—such as those by the Association of Family and Conciliation Courts (AFCC) and the American Psychological Association (APA)—emphasize the role of multimethod assessment, combining interviews, behavioral observations, standardized tests, and collateral data.

Importantly, while psychological tests should not serve as the sole basis for custody determinations, they can provide critical insights when used in conjunction with other methods.

Quinnell and Bow (2001) caution that test results must be interpreted within the broader context of family functioning. Standardized tools—when applied ethically and culturally appropriately—can contribute to a more evidence-based, child-centered evaluation.

In conclusion, advancing child custody evaluations requires a dual focus: increasing evaluator competence through targeted training and developing standardized, culturally responsive procedures. Bridging the gap between psychological best practices and legal frameworks remains an ongoing challenge. However, aligning evaluation methodology with internationally accepted principles while responding to local contextual needs offers a promising path forward.

The findings underscore the urgent need for structured training programs and institutional support to enhance the competency of professionals conducting child custody evaluations. Universities and professional bodies should incorporate specialized coursework and continuing education modules on forensic evaluation, ethical practice, child development, and culturally informed assessment methods. Additionally, institutions such as family courts and social service agencies should collaborate with psychologists to establish shared guidelines that align with both legal expectations and psychological best practices. Standardized protocols for assessment tools, observational techniques, and report writing can improve the consistency and quality of evaluations, ultimately fostering more equitable and child-focused custody decisions. In countries like Turkey, the development and adaptation of culturally appropriate psychological measures should be prioritized to ensure that evaluation practices are both context-sensitive and scientifically grounded. Overall, strengthening the integration of psychological expertise into legal decision-making processes can contribute to better outcomes for children and families navigating the challenges of divorce.

Conclusion

The field of child custody evaluation has undergone substantial transformation in response to evolving social norms and scientific advancements. Contemporary evaluations are primarily grounded in the principle of the “best interest of the child,” a concept that, despite its widespread endorsement, remains insufficiently defined and subject to variable interpretation across legal and cultural contexts. Although professional bodies such as the Association of Family and Conciliation Courts (AFCC) and the American Psychological Association (APA) have issued guidelines to improve evaluation practices, the absence of universally adopted and comprehensive standards continues to present challenges for practitioners and courts alike.

A methodologically sound custody evaluation begins with a precise formulation of the referral question posed by the court. Once this is established, evaluators must determine their own competence and neutrality before engaging with the involved parties. Empirical research underscores the importance of a multimethod assessment strategy that integrates data from at least five key sources: structured interviews, self-report inventories, standardized psychological testing, collateral interviews and record reviews, and direct behavioral observations (Saini, 2008). Such triangulation not only enhances the validity of conclusions but also helps mitigate individual biases.

Given the high stakes involved, it is essential that professionals conducting CCEs possess advanced training in forensic practice, developmental psychology, family systems, and relevant legal frameworks. Beyond technical proficiency, evaluators must remain current with legislation and ethical mandates to ensure their reports are both scientifically defensible and legally admissible. As knowledge in this domain continues to evolve, so too must evaluative practices—adapting to new empirical findings while maintaining fidelity to core ethical and child-centered principles.

Moreover, child custody evaluations demand a holistic, interdisciplinary perspective. As Kayma (2023) highlights, evaluators must be well-versed not only in child development and parenting but also in critical areas such as parental alienation, attachment theory, trauma, domestic violence, substance abuse, and criminological risk. In line with ecological and developmental models, the evaluation process must center on the child’s psychological needs, relationships, and broader environmental context (Aydos & Akyol, 2021). Ultimately, a robust and contextually sensitive approach enhances the likelihood that custody recommendations will serve the long-term well-being

and protection of the child.



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