# Book Review: Jonathan W. Gould & Christopher M. Mulchay, Parenting Plan Evaluations: An Evidence-Informed Approach to Child Custody (American Psychological Association, 2026)

by
Dana E. Prescott*

## Introduction

In their book *Parenting Plan Evaluations: An Evidence Informed Approach to Child Custody* (2026),[1] Jonathan Gould and Christopher Mulchay, who are experienced forensic psychologists and published scholars in the field, provide a comprehensive resource for improving the forensic practice of lawyers, judges, and mental health professionals cohabitating the peculiar space where mental health sciences and adversarial systems co-exist. Interdisciplinary professionals can certainly gain from flipping to the table of contents and index to find pages relevant to their case-in-that-moment. That would be an unfortunate mistake. When child custody litigation and forensic expertise involve the triangulation of parental conflict, child suffering, and the juridical administration of custody litigation, such a book has

* Dana E. Prescott, PhD, MSW, JD, is licensed to practice law in Maine, Massachusetts, and Connecticut, and a partner with Prescott, Jamieson, & Murphy Law Group LLC, Saco, ME. Attorney Prescott is also a co-editor of the AAML Journal. The views expressed in this article are his only and not those of the Journal or the AAML. Prescott is also a co-author with Dr. Mulchay and Dr. Benjamin Garber of Benjamin D. Garber, Dana E. Prescott, & Chris Mulchay, The Family Law Professional's Field Guide to High-Conflict Litigation: Dynamics, not Diagnoses (2021).

[1] Jonathan W. Gould & Christopher M. Mulchay, Parenting Plan Evaluations: An Evidence-Informed Approach to Child Custody (2026).

a beneficial purpose beyond its insights into ethics, science, law, and policy.

It is not possible to write an "evidence-informed" book that applies to a diverse professional discipline like psychology and forensics and avoid the use of certain jargon and technical language. Indeed, the reason this book has such merit is that understanding that language is key to being an informed advocate for vulnerable clients. The chapters, and the subsections of each chapter, therefore, are arranged to provide a nuanced and sourced view of current research and best practices from intake to writing a parenting plan evaluation (PPE): *I. Conceptual Foundation for an Evidence-Informed Approach to Parenting Plan Evaluation; II. Using Scientific Knowledge and Process; III. Mitigating Bias in Your Evaluation; IV. Data Collection and Integration; and V. Common Issues in Parenting Plan Evaluations.*

Of critical importance, the authors encourage readers to consider all elements of a PPE through the lens of a conceptual framework, the ecological model. The legal profession may unwisely overlook the value of such a framework since it is not typically a part of legal education (or the examination of witnesses at a trial). Organizing data collection and minimizing biases are co-extensive with an explicitly transparent lens:

> Theoretical and conceptual frameworks are essential components of research design and analysis. While often used interchangeably, it is important to distinguish between them and understand their respective roles. Theoretical frameworks provide researchers with established theories or perspectives to guide their studies, hypothesis formulation, and data interpretation. On the other hand, conceptual frameworks serve as a conceptual map, organizing key concepts, variables, and their relationships within a specific study.[2]

---

[2] Fodouop Kouam Arthur William, *Unveiling the Significance and Influence of Theoretical and Conceptual Frameworks in Social Science Research*, 142 Int'l J. Res. Publ'n 137, 138 (2024); *see* Elaine Toomey et al., *Addressing Fidelity Within Complex Health Behaviour Change Interventions: A Scoping Review of Fidelity Frameworks and Models*, 20 Health Psychol. Rev. 1, 2 (2026) ("The use of frameworks and models is critical to provide a better understanding of how and why behavioural interventions do or do not work. Frameworks and models give us a shared language to communicate with, help us build on what is already known and, for fidelity research, can facilitate us to address fidelity in a consistent way across studies.").

Although independent forensic experts may have their own preferences for organizing data collection, the absence of any evidence-informed framework may mean that data and opinions are tossed like a salad rather than integrated as a cohesive and transparent whole. Intentionality of design and planning for a PPEs drives more functional reports and reduces biases and errors. As the authors eloquently write, "To be a parenting 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."[3]

## The Ecological Model

As just mentioned above, the authors begin by sharing an *ecological model* initially developed by Urie Bronfenbrenner: "Families do not exist in isolation; they are embedded within broader societal, cultural, virtual, social media, and economic structures."[4] This statement is valid in many fields, including the biopsychosocial model in social work, and more recent research connecting individual trauma with community stressors to assess adverse childhood experiences (ACEs).[5]

In social science and policy, models matter as does fidelity to that model. How does the model help organize and predict

---

[3] Gould & Mulchay, *supra* note 1, at 3.

[4] *Id.* at 7; *see* Figure 1, at 7 (Bronfenbrenner's Ecological Model), adapted from File: Bronfenbrenner's Ecological Model.png - Wikimedia Commons (2020).

[5] *See* Elizabeth Connon, et al., *Strengths-Based Resilience: The Biopsychosocial Factors that Differentiate 12-Year Mental Well-Being Trajectories Following Adverse Childhood Experiences*, 56 Psychol. Med. e185, at 2 (2026) ("Beyond biological influences, social and environmental factors play a critical role in shaping resilience following ACEs. While a broad range of ACEs have been associated with elevated psycho pathology evidence suggests that specific exposures – particularly abuse and interpersonal conflict – may confer disproportionately harmful effects and, therefore warrant heightened attention."). Divya Mehta, et al*., Child Maltreatment and Long-Term Physical and Mental Health Outcomes: An Exploration of Biopsychosocial Determinants and Implications for Prevention*, 54 Child Psychol. & Hum. Dev. 421, 424 (2023) ("Emphasising the pivotal roles of communities, families and schools in protecting children from maltreatment, we discuss systemic determinants of child maltreatment within Bronfenbrenner's social ecological framework.").

outcomes? Does the model reduce implicit biases or heuristics as a way of reducing eyeroll judgments by evaluators that are then transmuted into the speed and compression of family courts? The use of an ecological model, as against a vacuum, better assures that PPEs explain individual strengths and vulnerabilities which are not flat and linear (and boring) classroom problems on an exam, but a textured and multi-dimensional analysis of a life-in-being existing in an actual environment.

Conversely, continuing education programs are offered which attempt to teach lawyers and judges how to conduct a direct (too often the more important, yet more likely ignored, art and skill) and cross examination (too often overdone amid theatrics rather than substance) of forensic experts. A panel of forensic psychologists may talk about their experiences in court and exchange anecdotes about lawyers who misbehave and judges who are confused as to why evaluations are being offered in the first place. Lawyers proceed to tell their own war stories as they expound on a dazzling cross-examination that took six hours over one bump on a Minnesota Multiphasic Personality Inventory (electronic) scoresheet or an arcane statistical anomaly concerning *p* values or error rates.[6] Judges share their frustration with making tough decisions about the future best interests of children without agreed-upon data or diagnoses by amply qualified experts reading the same records and testing.

This comment is not intended to be cynical (well, maybe a little) but those discussions may have less to do with the reality of family court. A couple of premises may be useful even if they are not readily accepted or are jurisdictionally sensitive. First, PPEs are expensive and time-consuming: depending upon the jurisdiction and customs, from start to testimony can cost $2,500 to $25,000 per parent. In private custody cases, much of the expense depends on the capacity of parents to pay out-of-pocket because there are generally not public funds for this purpose and, if there are, these may be statutorily or rule-based and capped much lower than private pay.[7]

---

6 *See generally* Dana E. Prescott, *Bending the Light of Social Science in Family Court: Epistemic Injustice and Epistemic Exceptionalism Matter*, 33 J. Am. Acad. Matrim. Law. 99 (2020).

7 *See* Aaron Robb, *Producing Quality Evaluations at a Reasonable Cost*, 61 Fam. Ct. Rev. 65, 71 (2023) ("Clearly there are myriad considerations in

Second, PPEs are often court-ordered after the professionals and the court are weary, reams of paper and fees have been expended and no one knows what else to do. Rather than take a prophylactic approach—helping the family system adapt to and recover from conflict through evidence-based, targeted interventions—the choice is to weaponize labels (borderline, narcissistic, depressive, anxiety, PTSD, OCD). In poverty cases, which are usually child protection cases involving state allegations of abuse or neglect, PPEs may have no connection to the cause (homelessness, IPV, addiction) while affixing a label that trails that parent through jeopardy or parental termination.[8]

Third, family courts across the country are under-funded and under-staffed. Judges are left to process speed and volume with younger and younger children (≤ 5 years old) living within more vulnerable and complex family systems. This is particularly true in child protection cases, which are generally poverty cases, with a complex history of discrimination and bias.[9] There is very little data, however, as to what percentage of cases actually have

---

conducting high quality child custody evaluations while at the same time maintaining affordability of such services for the families that need them. These goals are not in conflict, and they are clearly achievable.").

[8] *See* Karen S. Budd, *Assessing Parenting Capacity in a Child Welfare Context*, 27 Child. & Youth Serv. Rev. 429, 436 (2005) ("Caseworkers and attorneys who request mental health evaluations on parents have differing reasons for referral and varying expectations about the report and its usefulness. Some referrals occur needlessly because prior evaluation reports have not been circulated or read, as a substitute for case planning, or as a fishing expedition with no specific questions in mind.").

[9] *See* Krissie Fernandez Smith et al., *Practice Tips for Managing Challenges in Parenting Capacity Assessments in Child Protection Court*, 61 Fam. Ct. Rev. 818, 826 (2023) ("A parent's unique background can influence various aspects of child protection cases, and evaluators working in this field should be aware of how different aspects of diversity can impact the progression of a child protection case and should inform the PCA. Diversity issues can affect how risk is perceived in a case and, in turn, affect the child welfare agency's management of a case and documentation of incidents in their records. Families of lower socioeconomic status and historically marginalized racial and ethnic groups are disproportionately represented in child welfare systems."). For a policy brief on this point, see Children's Rights Columbia Law School Human Rights Institute, Racial (In)Justice in the U.S. Child Welfare System: Response to the Combined Tenth to Twelfth Periodic Reports of the United States to the Committee on the Elimination of All Forms of Racial Discrimination (July 2022), Childrens-Rights-2022-UN-CERD-Report-FINAL.pdf.

parental capacity evaluations, or, as with private cases, the efficacy of those evaluations in the context of court-ordered reunification or parenting plans and the quality of life for children.

The point here is that there is a temptation for professionals to move to equivalency or "a pox on both houses" as if both parents are equally responsible for the conflict. This is a difficult assumption to research empirically because there are too many moderating, mediating, and confounding variables operating internally and externally on family systems.[10] PPEs, when properly done within this conceptual framework, may limit those forms of error by applying and "encouraging a holistic and interactive assessment."[11] From the book's inception, the authors encourage careful consideration of trends away from the "categorical to dimensional analyses" (or what may be considered rigid labeling and stigma) to standards of PPE practice that systematically draw data from multiple sources and employ evolving structured analytic techniques so as to more rigorously and transparently explain parent and child dynamics.[12]

## Best Practices for Organizing the PPE

It is not just mental health professionals conducting PPEs who may not have sufficient training, insight, organization, or capacity to analyze data much less transform and transfer to a court. Lawyers and judges may be unfamiliar with behavioral science literature, the ethics of evaluation, the ethics of psychological testing and risk assessments (sampling, validity, reliability, relevance), and child development that is culturally

---

10 These concepts are critical so as to avoid causation or association conclusions about A→B→C that may miss other factors. *See* Martin J.L. Bours, *A Nontechnical Explanation of the Counterfactual Definition of Confounding*, 121 J. Clinical Epidemiology 91, 93 (2020) ("In simple terms, the counterfactual theory of causation could be called the 'What if?' theory. When thinking in a counterfactual way about a causal, unconfounded effect of an expo sure on an outcome, the potential outcomes in two situations with contrasting states of exposure are compared (e.g., exposed vs. unexposed). One of these situations is real (factual) and can potentially be observed, whereas the other is unreal (counterfactual) and cannot be observed.").

11 Gould & Mulchay, *supra* note 1, at 8.

12 *Id*. at 9.

sensitive.[13] Preparation for PPEs occurs at the beginning of a case, not the end; before the report is written, not after the report is written; and with a much deeper understanding of psychological testing because it is the testing and diagnosis that risks distortion or disproportionate weight; especially when tests are novel or not recommended for a *child custody* analysis within a parenting dyadic and dynamics.[14]

The first section presents the argument that the legal test for expert opinions under the *Daubert* trilogy, as it is commonly grouped, for each jurisdiction are important for evaluators to understand because a report may be excluded when a court determines if expert testimony is unreliable and inadmissible based upon "flexible factors."[15] "Soft" and "hard" scientific testimony

---

13 *Id.* at 49; *see* Commonwealth v. Hoose, 5 N.E.3d 843, 861 (Mass. 2014) ("The proponent of scientifically based expert testimony must establish, among several foundational requirements, that the expert's opinion will be based on principles and methods that are reliable. Reliability may be established either by demonstrating that the principles and methods generally are accepted in the relevant scientific community or by applying the factors set forth in the U.S. Supreme Court's decision in *Daubert* v. *Merrell Dow Pharms., Inc*., 509 U.S. 579, 592-94 (1993). The judge is the gatekeeper of the evidence and is responsible for making the threshold determination that the expert opinion is sufficiently reliable to go before the jury. The judge's gatekeeping function in the context of expert testimony applies in addition to the judge's general duty to exclude evidence that is irrelevant or for which the probative value is substantially outweighed by the risk of unfair prejudice, confusion, or waste of time.") (citations omitted).

14 *See* State v. Guise, 921 N.W.2d 26, 32 (Iowa 2018) (Appel, J. concurring specially) ("Guise's argument that due process requires accurate information about risk assessments beyond a mere conclusion, as demonstrated by *Malenchik* and *Loomis*, is certainly not frivolous. Certainly the *shiny legal penny* of a new risk assessment tool should be carefully scrutinized by the courts.…The relentless and potentially corrosive drive for efficiency and certainty in a resource-scarce public sector should not drive courts to use risk assessments in an unjustified 'off label' manner or in a fashion that otherwise lacks meaningful empirical support to drive sentencing.") (emphasis added); United States v. Birdsbill, 243 F. Supp. 2d 1128, 1131 (D. Mont. 2003) (excluding a psychological test intended for diagnosis and treatment that was not designed for the forensic purpose of determining when a person has sexually abused).

15 Gould & Mulchay, *supra* note 1, at 19; *see Daubert*, 509 U.S. 579; General Elec. Co. v. Joiner, 522 U.S. 136 (1997); Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999). The literature in this area of law and policy is vast and the differences between states more nuanced than is often considered. These readings by scholars may be helpful. *See* Francesca Ales et al., *Applying the* Daubert *Factors to IOP-29-Based Testimony*, 19 Psychol. Injury L. 3 (2026); David L. Faigman, *The*

is certainly relevant to this discussion in the judicial context.[16] A common reality associated with state family law practice is that the limited availability of economic resources and court time for preliminary hearings, as would occur in other federal and state jury and non-jury cases in which a judge acts as gatekeeper, may not happen before showing up for a family trial. The challenge is then debating, in real time in a courtroom with the parents present, all kinds of things from testability, peer review, error rate, standards and controls, and general acceptance of the methodology within the scientific community.[17]

An important case for practitioners is *General Electric Co. v. Joiner*[18] in which the U.S. Supreme Court adopted an anti-*ipse dixit* (it is what I say it is because I said it is true and I am who I am) posture and insisted that expert opinions must be grounded in sufficient relevant and admissible facts such that they do not meander into "unsupported or pseudoscientific opinions."[19] The authors share best practices, including established organizations like the AACAP, AAML, APA, and AFCC:

> A careful reading of psychologist's ethical responsibilities, best practice aspirations, and documents reflecting the current state of the art, and forensic mental health practice strongly suggests that evaluators need to conduct their assessments in a manner that employs the most current and well-established scientifically informed methods and procedures and interpret their findings in a manner consistent with the most highly respected professional and scientific literature in their fields.[20]

Too often overlooked when lawyers seek PPEs is the equivalent of hypotheses in scientific inquiry, the failure to generate specific questions to "guide the investigative process"[21] or, in other

---

Daubert *Revolution and the Birth of Modernity: Managing Scientific Evidence in the Age of Science*, 46 U.C. Davis L. Rev. 893 (2012).

16 Gould & Mulchay, *supra* note 1, at 23.

17 *Id*.

18 522 U.S. 136, 146 (1997) ("[N]othing in either Daubert or the Federal Rules of Evidence requires a district court to admit opinion evidence that is connected to existing data only by the ipse dixit of the expert."). For an accessible analysis, see Edward J. Imwinkelried, *The Epistemological Trend in the Evolution of the Law of Expert Testimony: A Scrutiny at Once Broader, Narrower, and Deeper*, 47 Ga. L. Rev. 863 (2013).

19 Gould & Mulchay, *supra* note 1, at 23.

20 *Id.* at 35.

21 *Id.* at 77.

language, to explicitly frame "the problem to be addressed by the court [which] is a critical part of the scientific process."[22] In other language, these constitute what is critical to a sound and relevant evaluation: *referral questions*. Referral questions do not ask the evaluator to tell the court why "these people" hate each other, will not stop no matter how hard everybody else is working to help, or why one or both keep hurting their kids with chronic conflict. Referral questions are precisely crafted and relevant to the efficacy of PPEs as applied to the best interest factors in each jurisdiction. A general sample of such a list, which can be individualized and edited as needed for a court order are, as follows:

a. Are there any diagnoses or clinically recognized factors associated with each parent's mental or psychological health that impact, positively or negatively, his or her functional parental capacity
b. Are there any personality traits or diagnoses that impair or limit a parent's capacity to cooperate with parenting, and which may present risk to their child?
c. Are there any diagnoses or clinically recognized factors associated with each parent's mental or psychological health which impact, positively or negatively, the best interests of their child emotionally, or cognitively?
d. Are there any risk factors associated with substance use, addiction or interpersonal violence that may impair functional parenting capacity?
e. Are there any additional factors which may impair his or her parental capacity and function related to their child?
f. Are there evidence-based treatments or interventions that are appropriate for each parent?
g. Are there coping skills or resiliencies for each child, or the sibling relationships, that may reduce or increase the risk to the child?
h. Are there any other best interest factors under state law that are relevant to the evaluation data and which the court should know?[23]

---

22 *Id.* at 39.

23 The phrase "functional parental capacity" is drawn by the author of this review from mental health literature because either or both parents could have a diagnosis, or a disability, and still function well as a parent. Other phrases may be required in your jurisdiction to correspond to what the evaluator is testing

In this context, forensic evaluators must "balance legal expectations with psychological expertise, ensuring that evaluations meet scientific and professional standards per admissibility as scientific evidence."[24] This is true because, experts "stand at the crossroads of law, psychology, and the evolving dynamics of family systems."[25] The structured analytic techniques, including the ecological model and the use of referral questions, curbs the risk that "judges fail to translate the issues into specific cycle legal questions that may be answered by evaluators, the handicap they are appointed expert."[26] The framework for the referral questions provides the court precisely with the data and responses needed to sharpen and shape the court's fact finding and ultimately application of the law.

## Limiting PPE Errors

If there is one other underlying theme the authors intend to run through each chapter it is, "The explicit framing of the problem to be addressed by the court is a critical part of the scientific process."[27] So much social science research is grounded in

---

or measuring for or against. *See* Corina Benjet et al., *Evaluating the Parental Fitness of Psychiatrically Diagnosed Individuals: Advocating a Functional-Contextual Analysis of Parenting*, 17 J. Fam. Psychol. 238, 246 (2003) ("First, these models need to define parenting competencies and skill areas and the thresholds that define minimally adequate parenting responses. Second, the models must also allow for cultural diversity. A third aspect of such models would be consideration of ecological factors."); Robyn M. Powell, *Achieving Justice for Disabled Parents and Their Children: An Abolitionist Approach*, 33 Yale J.L. & Feminism 37, 77 (2022) ("Further, the assessments are often inaccessible, fail to accommodate the needs of disabled parents, and rely on pseudoscientific measures, such as IQ scores, which do not accurately measure parenting capability. Nevertheless, judges and attorneys rarely challenge these experts, and judges often base their decisions on whether to terminate a parent's rights on these experts' testimony. In other words, parenting evaluations, which are critical in family policing system cases, can be tainted by ableism and often go unchecked.").

24 Gould & Mulchay, *supra* note 1, at 44.

25 *Id.* at 45.

26 *Id.* at 78.

27 *Id*. at 39. There is a school of perspectives that is concerned with referring to persons as having a "problem" rather than having strengths who are engaged in a shared and collaborative process. *See* Dennis Saleebey, *The*

the concept of human heuristics or the "rules of thumb" by which people navigate their daily lives. Much of the public's expectations concerning court is premised on television and movies and the idea that justice can be perfect, human beings are imperfect, but that there is a tidy ending to every narrative and story within an hour or two. Again, in the context of the vast majority of cases in the United States these are non-jury trials: one judge, one case. This form of adversarial dispute resolution vests tremendous amounts of power and authority in one person sitting as a judge with the authority to reward or sanction.

If I was recommending any chapters for reading, it would be chapters 2 and 3 because any forensic expert, lawyer thinking about hiring an expert, or a judge appointing a neutral expert, who had that chapter in hand before undertaking the evaluation, writing the report, and then testifying might provide a more relevant critical analysis then anyone without access to that chapter. Chapter 3, entitled "Common Errors in Child Custody Evaluations," addresses these issues early in the book, "we aim to provide leaders with a structured framework for interpreting the information presented in subsequent chapters."[28] The authors then offer sixteen common errors, offering brief descriptions of the first fifteen and from other researchers, with special attention to the final error related to the ongoing debate over the role of the judge and experienced forensic evaluations in the context of PPEs.

From that foundation, forensic evidence in the form of expert opinions is a process of *minimizing*, not eliminating, that error. Chapter 3 then outlines a punch list for both direct and cross examination in a courtroom. A forensic professional who can transparently explain each one of the elements will more likely provide the court with relevant and admissible evidence—and not

---

*Strengths Perspective in Social Work Practice: Extensions and Cautions*, 41 Soc. Work 296, 303 (1996) ("In a strengths approach, how social workers encounter their fellow human beings is critical. They must engage individuals as equals. They must be Willing to meet them eye to eye and to engage in dialogue and a mutual sharing of knowledge, tools, concerns, aspirations, and respect. The process of coming to know is a mutual and collaborative one.").

28 *Id.* at 71.

guess, surmise, or bias—that assists the fact finder in reaching a conclusion based upon a valid foundation.

For example, an evaluator on cross examination is asked why they did not do a substance abuse evaluation but none of the referral questions suggested it, no one was charged with any kind of drunk driving or other drug offense, there was no indication of any mental health or substance abuse treatment, and no one particularly raised the issue. Thoughtful application of the referral questions at the outset of the case can prevent these kinds of gaps. This is also self-protection for the evaluator because the response of "I wasn't asked to do that" is a perfectly reasonable response on a conference panel but if there was collateral information that may point the arrow that way, a judge may not be as amused by the gap that failed to link a "transparent and methodological evaluation process that incorporates the principles of the ecological model."[29]

The authors proceed in chapter 4 to discuss "the role of clinical judgment" in an evaluation.[30] As the authors quite properly note: "playing in the law's sandbox" as a family law professional means there are rules about the importance of "evidentiary reliability," or what "mental health professionals label as reliability and validity."[31] The assumption is the notion that vigorous cross-examination, presentation of contrary evidence, and careful application of burdens of proof and rules of evidence will yield a truth in court.[32] The authors appropriately opine that in family matters "cross-examinations are most useful when they assist the court in evaluating the scientific quality of expert testimony."[33]

This is an important assumption since testing evidence in a meaningful way is crucial to the functioning of an adversarial system. It is, however, well-intended if unrealistic for anybody who has been a trial lawyer or a judge for an extended period of time to rely on that assumption. Unlike wealthy corporations, wealthy individuals, or those with the power to gain ATM access to the public purse, family court cases often consist of speed and volume with relatively little resources. The idea that all cross-examinations are equally revealing of a truth, that lawyers have the same skills

---

29 *Id.* at 78.
30 *Id.* at 79.
31 *Id.* at 82.
32 *Id.* at 83.
33 *Id*.

or capacity for presentation of evidence, that experts of equal skill and ability will be hired and employed to provide independent and objective opinions using the same data, and the judges are of one mold without intrinsic biases and beliefs, misleads the public.[34]

This does not by any measure undermine the good faith and hard work of many people involved in the legal system. It is simply to say that there is a significant burden on the expert witness, linked to the referral questions, to be transparent about the strengths, weaknesses, and limitations of any data relied upon to provide the expert opinion. Relying upon cross-examination and becoming an expert who is an advocate for one side or the other by selecting or ignoring evidence is an inappropriate paradigm given the high stakes in family matters. The authors, in fact, provide a list of the application of system 1 and system 2 thinking from the intuitive to the slow, deliberate conscience sourced in many studies.[35]

Judges are required to write opinions and explain what data they relied upon and link back to the law. Trial lawyers are required to consider how to make arguments to a judge that link

---

[34] For those who think that these types of discrepancies between experts drawing from the same data and treatises is limited to forensic psychology, I commend a reading of Judge Hornby's comment in a business valuation case:

> [T]he expert retained by the dissenting shareholder invariably concludes that the corporation has a very high fair value, while the corporation's expert determines that the fair value of the corporation is much lower. It is not unusual for the opinions of the experts to differ by a factor of ten. It is, therefore, not surprising that courts have evidenced frustration with this process.
>
> *Accordingly, perhaps I should consider myself fortunate, since the experts in this case vary by a factor of only about five ($ 9 million at bottom; $ 48 million at top).* Guilliaem Aertsen, aggrieved shareholder Kaplan's expert, valued the business at $ 48.3 million. Nancy Fannon, First Hartford's expert, valued it at $ 9.3 million. Timothy Riddiough, First Hartford's other expert, valued it at $ 9.8 million (which, reversing his express or implied 25% minority discount, I correct to $ 13.1 million). *Although terminology varies, they calculated value in three basic categories--market, 10 investment (or income-based), and asset value. Then they weighed or ignored the results as they deemed appropriate. I summarize their respective credentials and analyses.*

Kaplan v. First Hartford Corp., 603 F. Supp. 2d 195, 198 (D. Me. 2009) (emphasis added and citation and footnotes omitted).

[35] *See* Gould & Mulchay, *supra* note 1, at 87-95; *see also* Daniel Kahneman, Thinking, Fast and Slow (2011).

facts that are admissible in court to the law (often the most difficult thing to explain to clients who think that anything should come into evidence). Evaluators have to provide connective tissue that judges can rely upon to render decisions that are as accurate as possible within the unique facts of each case. But it all folds into the most critical application of all the rules in the book for forensic evaluators: "show all of your work!"[36]

## Scientific Knowledge and PPEs

In the second and third sections of this book, the authors address scientific evidence and specialized knowledge.[37] The evaluation process in a child custody case is already high stakes and highly emotional. But, again, transparency of process, data, and analysis probably will yield conclusions that a party (or both parties and lawyers) may not like. But the expert role, and the theme of this book, is that doing the most effective forensic evaluations means following transparent and accessible procedures and relying upon multiple sources of data. In fairness, as more than one forensic psychologist, lawyer, and GAL has commented at trainings or in an office, "everything is data." The refusal to accept any explanation, observations, or possible alternatives for the conflict that reflects rigid, black/white thinking, blame/shame language, or entitlement/righteousness has a special category of personality that is unlikely to change no matter the data.

In chapter 6, for example, the authors wrote about the challenge of applying group data in individual cases, which is also known as "the general-to-individual (G2i) challenge."[38] This can be a rather complicated analysis but the bottom line is that much of social science draws from data collected about groups and applied (accurately or not) to the individual:[39]

---

36 *Id.* at 89.

37 *See id*. at 105-09.

38 *Id.* at 115.

39 One of my favorite books from my youth is Isaac Asimov's Foundation trilogy: Foundation (1951), Foundation and Empire (1952), and Second Foundation (1953), in which the prediction of group behavior from mathematical equations using psychohistory as a new and effective mathematics of sociology is the subject of his science fiction. Asimov would probably have found amusement in current betting sites as applying bulk data with bets that are aggregated and compared in nanoseconds, and with payouts based on insider knowledge (math

> Every case involving expert testimony based upon scientific research involves two choices. The first choice is whether the court will admit testimony about the general phenomena, i.e., overnights for young children (social framework testimony). The second choice is whether the court will admit testimony about the general phenomena on social framework testimony and allow its application to the specific case at hand (diagnostic testimony).[40]

The authors discuss various kinds of scientific reasoning because statistical and ethical traps relate to "the seduction of average data."[41] Again, expert testimony and evaluations should answer *relevant* referral questions with data points and expert conclusions that link to what the court may observe (not always as any trial layer knows) in the courtroom. The challenge for trial lawyers is that this kind of cross-examination can become buried in minutia or circular debates with the witness. Experienced experts will pause, look kindly on a party's ignorance without saying that, and then ask for clarification of the question as it connects to the court's decision-making.

## Sociocultural and Systemic Inequities

An evaluation should encourage parenting plans that are safe, account for diversity and strengths and vulnerabilities, as well as IPV and various risk factors, and have specific categories of services required for the family (again when practical and available) but reduce the risk to children or iterations of more litigation. One of the positive aspects of this book is there is the continuous cycling through how experts and legal professionals should focus *on positive factors* in court as the key role of CCEs. Challenging the "ethical and scientific integrity of the evaluation process"[42] by noting various forms of biases, selection bias, overconfidence, overreliance, hindsight bias, fundamental attribution error, among other

---

equations or insider grifting). There is an ongoing revolution to devise artificial intelligence by imputing data predictive of using the past to predict the future in ways that have some profound scientific and ethical concerns for forensic but that is for another day and for the next generation of lawyers and psychologists to unravel.

40 Gould & Mulchay, *supra* note 1, at 120.

41 *Id.* at 131.

42 *Id.* at 137.

types, is fair game and does matter in an adversarial system.[43] What this book does so well is make clear that there is an affirmative duty on the part of the evaluator to state any of these limitations and to test and re-test biases and hypotheses transparently for the reader.

Thus, chapter 8 concerns sociocultural identities and systemic inequities and chapter 9 extend this discussion to gender identity and sexual orientation and the challenges faced by LGBTQIA+ parents. Despite the emerging controversies that are beyond the scope of this book review, poverty, culture, race, zip codes, and various other demographic and socioeconomic disparities impact access to the court system, access to justice, and influence the outcome of cases. All mental health professionals, and lawyers and judges, are required to "develop cultural competence"[44] because the admixture of science and law requires that expert opinions be based on the generalizability and transferability of group data and testing to the actual parental dynamic in the courtroom.

From start to finish, the Western legal system is a cognitive process which requires iterations of informed rational judgment about risk and benefit.[45] If English is a second or third language or if there are cognitive, intellectual, or comprehension difficulties, or trauma from IPV causes emotional flooding during an interview, the legal system may not cater much to emotion despite its permeation of human behavior.[46] The examples are too numerous. Even by trying to list them would leave out important ones. Remember, however, the critical point for understanding forensics is that social science research is the process of translating group research and data to individual behavior and predictions.

---

43 *Id.* at 151-54.

44 *Id.* at 161.

45 *See* Janet Weinstein & Ricardo Weinstein, *I Know Better Than That: The Role of Emotions and the Brain in Family Law Disputes*, 7 J.L. & Fam. Stud. 351, 377 (2005) ("The legal system expects that people will behave rationally. The lawyer's job is to help his/her client do so in the midst of emotional chaos, so that the case can be resolved. The task is onerous.").

46 *See* Carlton J. Patrick, *A New Synthesis for Law and Emotions: Insights from the Behavioral Sciences*, 47 Ariz. St. L.J. 1239, 1241 (2015) ("The ambiguity that typifies the law's approach to emotion is especially troubling given the ubiquity of emotions in law. Emotions permeate the legal system: explicitly in statutes, legal opinions, contracts and jury instructions, and implicitly in the minds of offenders, victims, judges, juries, lawyers and legislators.").

At this point, "integrating cultural competence into forensic psychology, evaluators can move beyond a one-sized-fits-all approach and recognize the deeply personal and varied nature of identity and family dynamics."[47] Lawyers in the compression of courtrooms are frequently drawn into a homogenous conveyor belt of people before the court. And, again, race or religion or socioeconomic status connects to the limitations of reliability and validity when applying research, testing, and clinical analysis, to any individual. In the case of CCEs, the connection between family dynamics and the ecological model occurs because "the evaluator is required to consider context, identity, and intersectionality at various layers, . . . including community and institutional" realities.[48]

## Children's Roles and Rights in a PPE

Section IV concerns "story development" and special considerations for data collection, including special considerations for children.[49] The analysis and recommendations are intended to enhance the evaluator's ability to collect, integrate, and present information that is comprehensive and compelling to the fact finder.[50] The development of a cohesive narrative is especially relevant to describing the life of children influenced by, and immersed in, parental conflict. Thus, forensic interviewing and the implications of phone, Zoom, Google Meets, offices, or a child's natural environment are governed by a case by case assessment of risk, professional ethics codes, and state law.

The authors provide excellent bullet points for an interview structure around evidence-based scenarios and evidence-informed factors.[51] The authors also discuss the application of trauma-informed forensic interview techniques, which again, raises the complex notion of how to define trauma, how it individually affects one individual and not another, and then extending that interviewing process to not just the individual in isolation from all of the ecological factors. The authors do provide a summary of forensic

---

47 Gould & Mulchay, *supra* note 1, at 164.
48 *Id.* at 183-84, Figure 8.2.
49 *See id*. at 213-95.
50 *Id.* at 221.
51 *Id.* at 226-27.

interviewing and memory of children, but that is a specialty of its own with established criteria to assure accuracy and avoid taint.[52]

The language used by children who have been prepared, rehearsed or practiced for an interview should be carefully heard and evaluated as data. On the other hand, and having interviewed children as a guardian *ad litem* in child custody cases as Maine, like many states, allows children to express preferences, some children have been so immersed in the language of their parents almost since birth that they may mimic and repeat the language of their parents. It is just part of their daily life and their existence, so it is not as much pressure on them to say it as much as it is their reality. There is an old Yiddish saying that "to a worm in horseradish, the world is horseradish."[53] For these children their horseradish is years of experiencing repetition and immersion.

What is critical is that the CCE connects to the best interests factors in a particular jurisdiction and to the referral questions because that ecological model is so helpful in terms of determining what the child experiences and what their day to day life is like.[54] What becomes important here is that children do not respond uniformly and there can be differences in age, gender, experiences, resiliencies, and coping skills, so throughout these chapters it is not enough to just ask about the children as if it is a collective living in a hive, but to recognize that each child has unique strengths and vulnerabilities that need exploration and explanation in any evaluation. Forensic interviewing of young children, if court-ordered as part of the referral questions, may reveal suggestive questions, repeated questions, interviewer bias, and external influences.[55]

---

52 *Id.* at 243-252; *see* Chris Newlin, et al., Child Forensic Interviewing: Best Practices. United States: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (2015).

53 Howard Moskowitz Quotes, https://www.quoteslyfe.com/quote/To-a-worm-in-horseradish-the-world-659444 (last visited Sept. 4, 2026). A variation on that proverb is that, "When a worm sits in horseradish, it thinks there is nothing sweeter." World of Proverbs: When a Worm Sits in Horseradish, It Thinks There Is Nothing Sweeter. ~ Yiddish Proverb [19431].

54 *See* Gould & Mulchay, *supra* note 1, at 251-70 (information about each parent's description, variety of dimensions of each child, including the child's daily routine, friends, activities, social strengths and challenges, academic progress, and related areas of child development).

55 *Id.* at 292.

If children are to be interviewed, it is critically important that the evaluator have the skills to do so in the context of the referral questions. Most importantly, decisions need to be made about whether the interview should follow certain guidelines related to videotaping or recording interviews separate and apart from the interviews of the parents. The authors recommend what has been called the "parental meta-emotion philosophy (PMEP model)" for understanding how the parents process and respond to their own child's emotions and a process-oriented systemic observation protocol.[56] These models "illustrate a paradigm shift in how we conceptualize mental health, moving beyond rigid categories to a more flexible, scientifically grounded, and useful framework."[57] As the authors caution, and encourage, a central theme is to continue to apply and improve best practices by connecting research and practice.[58]

## A Few Remaining Points

In chapter 18, collateral interviews and record reviews are discussed in the context of informed consent and releases. Lawyers are not terribly good at explaining or even exploring informed consent with clients, much less the consequences of releasing records. Clients often speak freely to their therapist without understanding what a waiver of that right may mean. Obtaining protective orders to prevent information from getting posted on social media, for example, may be important to avoid violations of privacy and confidentiality.

In chapter 19, the authors explore the conceptualization of parent-child contact.[59] The challenge for false narratives is not just one of a court system, but a scientific one. Some scholars have referred to this as the Winnie the Pooh Woozle challenge.[60] As already discussed, the forensic challenge in a trial may be feedback loops of *ipse dixit* that fit every piece of information to the conclusion of the evaluator.

---

56 *Id.* at 311-15.
57 *Id.* at 366.
58 *Id.*
59 *Id.* at 398-400.
60 *See* Prescott, *supra* note 6, at 110 n.33.

There is no doubt that toxic parenting exists as well as, at times, efforts to amputate the role of the other parent. The challenge is that sometimes children have a very good reason from their own experiences to reduce, as adults do, contact with the other parent. The silly argument that this is not "normal" ignores thousands of years of human behavior. Nevertheless, there are challenges unique to child custody litigation. As the authors properly note, "there has been a growing emphasis on conducting ecologically valued evaluations, using precise and nonstigmatizing language, and developing a deeper appreciation for the complex dynamics that shape family functioning."[61] This shift is an intentional commitment to "both scientific rigor and clinical sensitivity."[62]

The modern conceptualization of parent-child contact is explored in Chapters 20 and 21, including domestic violence and research that suggests that evaluators do not properly consider those allegations in the context of the evaluation process. CCEs are one dimension of a multi-dimensional analysis of family dynamics at trial. Evaluator expertise means that without "evidence based or evidence-informed evaluation methods, there is a risk that courts may dismiss legitimate IPV allegations or, conversely, act on unsubstantiated claims, leading to unjust rulings."[63] Children, as the authors point out, are silent and suffering witnesses to various forms of IPV.[64]

The authors include in chapter 23 unique factors that may arise with parental requests to relocate. As true for much of this discussion, the evaluator must be careful not to tread on the court's legal authority by making or rendering legal judgments. Any referral questions related to the relocation may be tailored to "gatekeeping" and the potential that the other parent may support or not the other parent's relationship to the child. These cases are among the most complicated cases to assess because children often have no experience with where they are going and there are so many developmental and age-related variables.

---

61 Gould & Mulchay, *supra* note 1.

62 *Id.*

63 *Id.* at 473.

64 *See id.* at 475-77.

## Conclusion

Of necessity, a book review is a snapshot (and a selective one at that) by the writer which may miss what others may find more critical or valuable. As the authors conclude, "We caution against presenting expert opinions with undue certainty. Confidence should not be mistaken for credibility. Social science is inherently probabilistic. Findings are never absolute; they are provisional and context dependent."[65] A recurrent theme is that work involving human lives requires a level of humbleness when investigating the past and present emotional and psychological issues faced by children and each parent's awareness of those emotional and psychological concerns.[66]

One of the gaps in education for lawyers and judges is understanding that a PPE is too often imposed late as a sanction when parents have exhausted every form of mediation, co-parenting counseling, and parent coordinators, and now, out of desperation, send-in a forensic psychologist to evaluate, and tell "us" why, and please make "them stop." In this way, this book avoids the blame/shame///lawyer/mental health professional/judge paradigm in which cutting remarks and quibbles over what constitutes "science" blur what may be relevant explanations that link to the best interests' factors. For those professionals especially weary of reading reports copied and pasted from hired voices proselytizing one rigid explanation for all factual matrices, Gould and Mulchay help guide an informed decision as to whether the lawyer needs (or wants) a PPE and how to prepare your client and yourself for that process. As they wisely suggest for evaluators but relevant to all our professions, "Go forth as explorers. Be students of both science and humanity. And always, always, show your work."[67]

---

65 *Id.* at 540.
66 *Id.* at 198.
67 *Id*. at 540.