

Psychologists' Understanding of the Best Interests of the Child Criterion

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ABSTRACT

This study examined the beliefs of a sample of British Columbia psychologists (N=78) regarding the importance of specific "Best Interests of the Child" criteria when making custody and access recommendations. Participants completed a 60 item Best Interests of the Child Questionnaire (BICQ) developed from previous research, the divorce literature, and legal statutes. As hypothesized, the internal consistency of three dimensions was confirmed: (1) a relational dimension which consisted of the parent-parent relationship scale and the child-parent relationship scale; (2) a qualities/abilities of the parents dimension focused on how well each parent could meet the child's needs; and (3) a needs of the child dimension which examined specific concerns such as health needs (Coefficient Alpha = .80, .89, and .91 respectively). Principal components analyses (varimax rotation) indicated that a factor structure exists within each dimension. Two factors were revealed on both the parent-parent relationship scale and the child-parent scale: Willingness to Share Parenting and Parental Conflict/Cooperation for the former; Quality of Child-Parent Relationships and Parental Commitment to the Child on the latter. Three factors were revealed on the qualities/abilities of the parents dimension: Stability, Parental History, and Parenting Skills; and two factors were revealed on the needs of the child dimension: Developmental Sensitivity and Pragmatic Need of the Child. Multivariate analyses of factor means, with area of registration as a covariate, revealed significant differences between the rankings of psychologists who have never done custody/access assessments and those who have done assessments on the Needs of the Child dimension ($p < .01$). An examination of group differences in factor means revealed a significant main effect for gender ($p < .02$). A rank ordering of the 60 criteria according to item means was also compiled for the total sample, for the have done and never had done assessment groups, and for gender. The implications of these findings are discussed, and suggested directions for future research are provided. These results may be useful to clinicians who assist the courts in interpreting the Best Interests of the Child Criterion.

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CHAPTER 1

INTRODUCTION

Overview

The purpose of this thesis is to provide insight into how psychologists understand the Best Interests of the Child (BIC) Criterion when making recommendations for child custody and access decisions. At present, decisions regarding child custody and access are based on the legal definition of the BIC criterion which provides only a skeletal outline of which factors are to be considered. Judges and other legal professionals are recognizing that their training has not prepared them for making decisions with far-reaching psychological consequences for children and their divorcing families (Charnas, 1981). As a result, the courts are turning to psychologists and other mental health professionals to assist them in interpreting and applying the BIC criterion. This study investigates how psychologists involved in custody and access resolution understand the "best interests of the child."

Marriage and Divorce: Past to Present

The history of marriage and divorce provides a rich tapestry of the evolution of society's views on marriage and the roles of men, women, and children within this institution. From a legal perspective, marriage is defined as a contract between two parties which delineates their specific rights, privileges and obligations (Irving & Benjamin, 1987). Divorce, on the other hand, is the formalization of the breakdown of this intimate and complex relationship. Historically, marriage has accorded most of the rights and privileges to husbands while most of the obligations have been assigned to the wives. For example, until quite recently men could terminate a marriage at will. Women, however, were not accorded this same right and were unable to obtain a divorce unless the husband agreed. This male prerogative was the standard in Ancient Rome and continues to be practised in various cultural and religious communities today (Irving & Benjamin, 1987).

In order to obtain a divorce in eighth century Europe, all that was required was for a clerk or notary to authenticate that the couple was no longer married. However, after the rise of the Church of Rome in the tenth century, marriage was declared to be

a church sacrament which could only be conducted by church authorities. Divorce was considered immoral and seldom justified. In spite of this moral imperative there were, theoretically, three possible routes to the dissolution of a marriage. One course, a physical separation "a mensa et thoro" (without freedom to remarry), was granted only in extreme circumstances, and a divorce "a vinculo" (absolute dissolution of marriage) was quite literally unattainable. The third alternative was for the church to declare the marital union invalid. Annulments were rarely sanctioned and were prohibitively expensive and time-consuming. As a result, desertion of spouse and children became the poor person's alternative to an authorized divorce (Irving & Benjamin, 1987).

The Protestant Reformation of the sixteenth century saw the creation of ecclesiastical courts which served as the forerunners of both the modern court structure and the adversarial system. Marriage was still regarded as essentially indissoluble, but the church now established provisos upon which a divorce would be granted if these grounds could be proven to the court's satisfaction. Ecclesiastical courts were quickly overwhelmed with divorce petitions and were forced to sanction the establishment of secular courts which could authenticate divorces in accordance with church provisos. Thus, by the seventeenth century, if a husband obtained an ecclesiastical order of separation based on adultery and successfully prosecuted his wife's lover in civil court, he could be granted a divorce "a vinculo" by parliament. By the early 1800s, the three key attributes of legal divorce procedure were in place: (1) Civil courts, as opposed to church authorities, now had jurisdiction over divorce; (2) the principle of marital offenses, or "fault," as the basis for divorce had been established; and (3) the adversarial nature of the proceedings was beginning to emerge as one spouse now needed to prove the other at fault in order to obtain a divorce.

This shift from the ecclesiastical to the secular was reenacted in North America amongst the early British, French and Spanish settlers. In Canada, as a result of the British North America Act of 1867, provinces with divorce laws prior to joining the Dominion were allowed to establish their own civil courts to hear divorce petitions. Those provinces without such laws (Ontario, Quebec, Prince Edward Island) were

required to follow the British system and process divorce cases through parliament in Ottawa. In the United States, individual state legislatures drew up grounds for divorce based on their unique cultures and histories (Irving & Benjamin, 1987).

Throughout the evolution of divorce procedure, the notion of fault played an ever more important role. However, there were quite different standards of fault for men and women. In Canada, the Divorce and Matrimonial Causes Act of 1857 legally defined this double standard: Men could petition on the grounds of adultery alone, but women had to prove adultery and at least one other ground (McKie, Prentice, & Reed, 1983). In 1925, this double standard was abolished and adultery was accepted as the universal standard for divorce. However, women were still restricted in that they had to sue for divorce from the province in which their estranged husband lived. Since tracing men who had deserted was difficult, large numbers of women found themselves permanently married to permanently absent spouses (Irving & Benjamin, 1987). This dilemma was rectified in 1942 with the addition of the presumption of desertion as grounds for divorce.

Throughout the 1960's dissatisfaction with the notion of "fault" in a divorce began to gain momentum in the English-speaking world. This led to a revision in Canada's Divorce Act (1968) which further broadened the grounds for divorce by including a "no-fault" provision. This provision stipulated that couples who had lived separate and apart for at least three years could obtain a divorce without resorting to adversarial claims of marital misconduct. However, the Act still stressed the assignment of fault as the most efficient channel to a divorce. In 1986 the Divorce Act was further revised to reduce the waiting period for a no-fault divorce to one year (Divorce Act, 1986).

By legal definition, the process of obtaining a divorce has returned to its earliest form. Irrespective of the reason and without gender bias, either party in the marriage can choose to terminate the relationship. However, the notion of fault, and even "sinfulness", is deeply entrenched within the judicial system. Despite the existence of no-fault divorce statutes in both Canada and the United States, the notion of fault is still included as grounds for divorce in most regions. Divorce, when

enacted through the adversarial process, is often seen as a morality play in which there appear to be winners and losers (Landau, Bartoletti, & Mesbur, 1987). This especially holds true for divorces involving child custody disputes where the parties involved attempt to prove their worth as parents by demonstrating how the other parent is unfit (Irving & Benjamin, 1987). However, even though the legal system persists with its notions of right and wrong, the notion of parental fitness as a determinant of child custody has largely been replaced by criteria which attempt to define which parenting arrangement will best meet the needs of the children.

Divorce and Its Implications for Children

Divorce was a relatively rare event in North America prior to 1960 (McKie et al., 1983). Between 1965 and 1979 the divorce rate rose dramatically (Hetherington, Stanley-Hagan, & Anderson, 1989), then levelled off, and in the 1980's began to slowly decline (Irving & Benjamin, 1987). Despite this apparent decrease, there remains, over an average couple's lifetime, a 35% chance of divorce in Canada and a 49% chance of divorce in the United States (Irving & Benjamin, 1987). It has been estimated that between 35 and 45% of North American children born in the late 1970s and early 1980s will experience the divorce of their natural parents (Benedek & Schetky, 1985; Wallerstein, 1985a). Of these children, 35% will experience the remarriage of their parents and 23% will experience a second divorce (Benedek & Schetky, 1985).

A growing body of research indicates that divorce is not a single event but a complex series of changes which alter intra and inter-familial relationships. When parents divorce, ties with extended family and even within the family of origin may be severed, while new family systems emerge when one or both parents remarry. For children this series of upheavals may include school and neighbourhood changes, a lower standard of living with fewer educational opportunities, and radical alterations in parent-child interactions including the limited presence, or even the total loss, of a relationship with one parent (Frankel, 1985; Wallerstein, 1991).

Although some children bear the stresses of divorce with remarkable resilience,

others suffer developmental regressions, delays or disruptions. Most children will exhibit behavioral and emotional effects of their parents' separation and divorce (Kalter, Kloner, Schrier, & Okla, 1989; Wallerstein, 1985b). Guilt, anger, anxiety, and depression are often experienced by children at this time (Hetherington, Cox, & Cox, 1985). For some children, these disruptions are temporary and do not leave lasting scars. However, a significant number of children from divorced families display inappropriate aggressiveness, possess low self-esteem, and experience difficulties in school and social environs long after the divorce has been finalized (Hetherington et al., 1985; Wallerstein, 1991). Other children appear to cope well in the early stages following a divorce, only to demonstrate developmental and social problems years later in early adolescence or young adulthood. These "sleeper" effects are most often experienced as increased anxiety and difficulty in forming enduring attachments (Wallerstein, 1991).

The probability of these difficulties arising may be correlated with the age and developmental stage of the child at the time of the divorce (Wallerstein, Corbin & Lewis, 1988; Wallerstein & Kelly, 1980). Young children are more apt to blame themselves for the divorce, to fear being abandoned by the custodial parent, to misunderstand the emotions and behaviours of the parents, and to fantasize about parental reconciliation (Wallerstein et al., 1988). However, due to their cognitive immaturity at the time of the divorce, these children carry forward fewer memories of parental conflict or of their own fears. Ten years after the divorce, approximately one third of these younger children still experience anger and depression over the unavailability of the noncustodial parent, whereas the other two thirds are adjusting fairly well (Wallerstein & Blakeslee, 1989).

Wallerstein's (1987) ten year follow-up study of 60 divorcing families indicated that children who were adolescents at the time of the divorce retain a more vivid recollection of the family break-up and continue to regard their parents' divorce as a major formative experience. A significant number of these young men and women are fearful of failing in both the personal and the professional arenas. As a result they underachieve and appear to lack focus in their lives. In addition, they face the issues

of love, commitment, and marriage with tremendous trepidation (Wallerstein, 1987). It appears that these problems do not simply "fade away." A recent fifteen year follow-up of these children reveals they are still dealing with the aftermath of their parents' divorce well into their third decade, particularly with regards to intimate relationships (Wallerstein, 1991).

The implications of gender on post-divorce adjustment have long been of interest to numerous researchers (Zaslow, 1988; 1989; Kalter et al., 1989; Lyman & Roberts, 1985). Earlier formulations held that boys had more trouble adapting to divorce than girls. However, more recent research would seem to indicate that this conclusions are too simplistic and, perhaps, misleading (Wallerstein, 1991). Two points are especially relevant: (1) Longitudinal data indicates that although boys may initially display greater difficulties in adjustment to divorce, girls are more likely to report "sleeper" effects in later years (Wallerstein, 1991); and (2) as the number of fathers being awarded custody increases, it is possible that a different pattern will begin to emerge in the adjustment of boys versus girls. To date, the controversy over the importance of having the same sex versus the opposite sex parent at different developmental stages has not been settled. However, there is some indication that as boys and girls progress through the different developmental stages, they might benefit from a more flexible interchange with their divorced mothers and fathers (Hetherington et al., 1989; Lyman & Roberts, 1985; Zill, 1988). This requires ongoing responsiveness and cooperation from both parents so they can meet the changing needs of their children (Ehrenberg, 1991). Additional data comparing the adjustment of children in mother custody, father custody, and joint custody situations is needed to clarify the importance of this variable.

One factor which is known to be highly predictive of a child's adjustment to divorce is the level of ongoing conflict between the parents (Amato & Keith, 1991; Ellison, 1983; Emery, 1982). The likelihood of long-term problems developing increases significantly with the level of parental hostility, particularly if the child feels forced to "choose" one parent over another (Buchanan, Maccoby, Dornbusch, 1991; Frankel, 1985; Hauser, 1985; Kalter et al., 1989; Lyman & Roberts, 1985; Rosen,

1979). If this hostility escalates to continuous acrimony and mutual derogation, the child is often left feeling anxious, angry, and guilty (Hauser, 1985; Kalter et al., 1989). Parents who are highly conflicted have virtually no direct communication with each other and have little agreement on the issues that are important in their child's life (Hauser, 1985). In addition, in the presence of severe discord children may become the vehicle for unconsciously punishing the ex-spouse, and parents may confuse their needs with those of the child (Frankel, 1985). High rates of conflict are also associated with the eventual loss of contact between the child and the noncustodial parent, which has been found to be detrimental to the child's psychological development (Furstenberg & Nord, 1985). Research indicates that the greater the parental conflict, the higher the probability of poor post-divorce adjustment by the children. When parents control their animosity towards each other and continue to negotiate and cooperate on parenting issues, their children develop fewer social and emotional problems (Tschann, Johnston, Kline, & Wallerstein, 1989).

If parents are able to adjust to the divorce and reduce the level of animosity, they are more likely to cooperate in parenting decisions. This cooperation assists the custodial parent (or parents in the case of joint custody) in giving competent care, guidance and support to the child, thereby providing continuity in effective parenting (Kalter et al., 1989). The physical and emotional availability of the parent(s) contributes significantly to the overall adjustment and healthy development of the child post-divorce (Frankel, 1985; Kalter et al., 1989; Lyman & Roberts, 1985). Research reveals that the nature of the custodial parent-child relationship is critical in alleviating some of the possibly deleterious effects of divorce on children of all ages (Wallerstein, 1991).

Divorce is no longer viewed as a short-lived crisis with short-lived impact. In fact, from a child's perspective, divorce is an ongoing circumstance of family life that leads to a series of experiences and life changes that extend through childhood, adolescence, and often into adulthood (Wallerstein, 1991). As stated above, research indicates that the nature of the parental relationship plays a critical part in determining how well children adjust to these experiences and life changes. However, historically,

the nature of this relationship has not been of prime concern in determining child custody.

Child Custody Determinations: Past and Present. The question of child custody as it relates to the best interests of the child is complex and in desperate need of further explication. Throughout most of history the determination of child custody was simply not an issue. The consideration of childhood as a unique phase of life with special concerns and considerations is a relatively recent phenomenon which, in turn, has influenced current thinking about divorce and child custody.

In ancient Rome, mothers and children were considered property over which the father had complete control, and this status remained unchanged well into the 14th century and the onset of feudalism (Irving & Benjamin, 1987; Repucci, 1984). Children were regarded as miniature adults and were often removed from their homes before the age of seven to become apprentices. It was not until the Elizabethan period of the 16th century that this view of children began to change. During this period the family was becoming differentiated from the community, resulting in an increased awareness of its social rather than merely economic importance. Children began to gain some privileges, particularly concerning care and education, and mothers were seen as playing a special role in their children's development (Derdeyn, 1976; Irving & Benjamin, 1987).

However, the dominance of the father remained essentially unchallenged. It was rationalized that since it was the father's duty to care for and support his children, and since the father alone could own and manage property, it was also his right to own and control his children (Marafiotte, 1987). Under English and French common law, mothers had no such rights and were in no position to make a competing claim for custody of the children. If the mother removed the children from the matrimonial home, the father was immediately absolved of all responsibilities for either their errant wife or their children (Irving & Benjamin, 1987; Sorenson & Goldman, 1990).

The legal doctrine of "parens patriae" began to develop during the 1830's. It originated with the king's responsibility to protect his subjects but was later transferred to the chancellor's court (Derdeyn, 1976; Irving & Benjamin, 1987; Sorenson &

Goldman, 1990). This court then became responsible for protecting those with no other protector. Through the acceptance and integration of this doctrine into common law, the court acquired the authority to intervene in the relationship between parents and child (Derdeyn, 1976; Repucci, 1984).

The industrial revolution of the 1800s wrought massive social change. Increasingly, fathers were required to work away from their homes leaving mothers to mind their children (Landau et al., 1987). As this role segregation persisted the notion of a natural bond between mother and child gained social acceptance leading to the appearance of the "tender years" doctrine in case law (Irving & Benjamin, 1987). As early as 1813 in England and 1830 in the United States, courts were giving custody of children to the mother based on the notion that a child of tender years (i.e., under the age of seven) required a mother's care. This notion was firmly established in Britain under the Talfourd Act of 1839 which gave the courts the power to determine custody of infants under the age of seven and laid the groundwork for the presumption of maternal custody (Irving & Benjamin, 1987). However, at this time the Act only stipulated that children under the age of seven could be allowed to remain with their mother. Once past this critical marker, they were usually returned to the father for "moral" training (Derdeyn, 1976; Repucci, 1984).

As the industrial revolution progressed, two additional societal pressures were brought to bear. First, the psychoanalytic movement of the late 19th and early 20th century stressed the importance of early childhood experiences and the crucial nature of the mother-child bond. This increased society's interest in the notion of childhood and contributed to the evolution of child labour laws which restricted the working hours of children. In addition, public education of children was being recognized as an important aspect of their development. Second, the status of women began to change rapidly as they gained the right to vote, to own property, and to be gainfully employed in the work force (Folberg, 1991). These changes gradually eroded social acceptance of paternal dominance and were reflected in the evolution of common law.

As late as the 1880s, the courts were reiterating that the fathers assumed obligation for financial maintenance of his children entitled him to full custody and to

the value of that child's labour and services (Derdeyn, 1976). However, by the early 1900s, the concept of a father having financial responsibility for children outside his care began to appear in case law (Derdeyn, 1976; Repucci, 1984). This led to the breakdown of financial constraints in determining custody.

In 1925 these factors culminated in a landmark court decision, the Tender Years Presumption, which stated that the mother was the natural custodian of a child of tender years (under age seven). That same year, the courts ruled that mothers and fathers were equal with respect to seeking custody of their children (Derdeyn, 1976; Fidler, Saunders, Freeman, & Hood, 1989). In reality, by this time, mothers were not only equal to fathers in claiming custody, but were regarded as having a superior claim. The pendulum had swung from paternal dominance to maternal preference in child custody decisions.

Since both parents were now considered in law to be equal, it became necessary for the courts to find new criteria upon which to base custody determinations. In *Finlay v. Finlay*, a decision rendered in 1925, the judge ruled that in custody cases a decision should not be reached based on the notion that one parent has a case against the other, but that the judge should act as "parens patriae" and do what is best for the interest of the child (Derdeyn, 1976; Marafiotte, 1987; Repucci, 1984). Although this decision reflected an enhanced awareness of the child's needs, it did little to alleviate the adversarial nature of the process. As there were no specified standards to determine "best interests", it became standard practice to accommodate this notion by awarding custody to the parent who was either not at "fault" for the divorce or who was deemed to be the most "fit" to raise the child (Marafiotte, 1987; Repucci, 1984).

The past 30 years have seen many changes in divorce and custody laws as the roles of men and women have shifted and evolved (Wallerstein, 1985). With more women working outside of the home, increasing emphasis on father's rights (particularly in custody cases), increasing awareness of the role of the father in child development, and the emergence of the no-fault divorce, the courts have been faced with abandoning the presumption of maternal preference in custody and working

towards creating greater equality in adjudicating the claims of mothers and fathers (Landau, Bartoletti, & Mesbur, 1987; Lyman & Roberts, 1985; Repucci, 1984). It is presumed that custody decisions will be based on the needs of the child--"the Best Interest of the Child Criterion"--rather than the needs or shortcomings of the parents. Unfortunately, a clear understanding of what is in the best interests of the child has yet to be determined.

The Implications of Single Versus Joint Custody. A considerable body of knowledge delineates the psychological sequelae of divorce on both the parents and the children, but relatively little is known about the impact of specific custody arrangements (i.e., sole, joint, and split custody¹) on the development of the children. Considering the complexities of marital dissolution and children's adjustment to family transitions, it is surprising that anyone would expect one type of custody to "best" serve in all situations. However, advocates for joint custody and proponents of sole custody have argued for the unilateral implementation of their favoured custody arrangements with little empirical data for support.

With the gradual erosion of the Tender Years Presumption, the judicial system was on shaky ground in continuing to demonstrate a preference for maternal custody (Derdeyn & Scott, 1984). However, in 1973, this preference was shored up with the publication of Beyond the Best Interests of the Child (Goldstein, Freud, & Solnit). In this book, the authors unilaterally argued that sole custody was the least detrimental alternative for the child. Based on psychoanalytic theory, Goldstein et al. (1973) claimed that children of divorce need one major attachment figure, or "psychological

¹ *Sole custody*: one custodial parent is awarded all rights and duties in relation to the child. *Joint custody*: parents share parenting responsibilities and duties. *Legal joint custody*: parents assume equal responsibility for major decisions about the child with one of the parent's homes being designated the primary residence. *Physical joint custody*: Parents assume equal responsibility for major decisions about the child but neither home is designated as the primary residence and the child usually alternates between the two parents' residences. *Split custody*: One parent has sole custody of one or more of the children, the other parent has sole custody of the remaining children (Ehrenberg, 1991; Johnston & Campbell, 1989).

parent", on whom to rely. This parent should have absolute legal authority for the child, including physical custody and the right to control, and forbid, the child's contact with the noncustodial parent. Since a number of sole maternal custody decisions make reference to the "psychological parent", it would appear that the judiciary has embraced this work as supportive of traditional sole custody decisions (Charnas, 1981).

However, at approximately the same time, women were flocking to the work force and, with the equal rights movement, men were beginning to assume more responsibility for child care. Similarly, fathers began to challenge sole custody orders on the grounds that it violated their right to be considered equal in the eyes of the law (Derdeyn & Scott, 1984). This led to the appearance, and rapid increase in popularity, of joint custody. Joint custody was hailed as a form of shared parenting which would eliminate the win/lose format of the custody process. The stage was set for a battle which continues to be waged in the courtroom and in the literature--the pros and cons of joint versus sole custody.

Current research is unable to definitively determine when one form of custody would be more appropriate than another. However, some general impressions and results are gradually being gathered. Basically, the research indicates it would be in the child's best interests to consider the specific circumstances of each child's living situation rather than focus on legal categories of custody arrangements. One study (Ehrenberg, 1991) found that divorced parents who are able to cooperate in the parenting of their children report a great diversity of custody arrangements. In fact, it appears that specific custody arrangements (e.g., sole custody versus joint custody) are often very similar in practice and that the same legal category of custody arrangement can be manifested in very diverse practical circumstances. This research suggests that any form of custody may be appropriate as long as the parents are in agreement. The notion that there is a "right" way to "do" custody may be outmoded and in need of reconsideration.

Best Interests of the Child Criterion

Early decisions making reference to the "best interests of the child" in awarding custody set the groundwork for what has become the cornerstone of most custody statutes in Canada (Turner & Uhlemann, 1991) and the United States (Folberg, 1991; Repucci, 1984). More recent case law and statutes have attempted to define the child's best interests by listing specific factors judges are to consider in rendering custody decisions (Folberg, 1991). For example, in British Columbia the best interests of the child are defined as follows:

"...A court shall give paramount consideration to the best interests of the child and, in assessing these interests, shall consider these factors: (a) the health and emotional well being of the child including any special needs for care and treatment; (b) where appropriate, the views of the child; (c) the love affection and similar ties that exist between the child and other persons; (d) education and training for the child; and (e) the capacity of each person to whom guardianship, custody or access rights and duties may be granted to exercise these rights and duties adequately; and (the court shall) give emphasis to each factor according to the child's needs and circumstances..."

(Family Relations Act of British Columbia, 1979, c.121, §24)

While it is generally accepted that each custody case is unique and must be decided on its own merits, it is interesting that British Columbia's custody statute explicitly states that each of the determining factors must be weighted in accordance with the needs and circumstances of the particular child involved. This position is corroborated by research which indicates that responses to family transitions are such that each case needs to be decided on the individual characteristics of the children and their families (Shiple, 1986; Wallerstein, 1991). Although British Columbia's custody statute provides a general outline of the factors to be considered in custody decisions, there is no guidance about how information relevant to each factor can be obtained, how terms such as "the health and emotional well-being of the child" are to be understood and measured, or how multiple data sources are to be integrated.

Other statutes, such as the Children's Law Reform Act (1980) in Ontario, provide more detailed criteria for determining custody than British Columbia's Family

Relations Act (1979), and assume that stability and continuity of the child's relationships and environment are in the child's best interests:

"...In determining the best interests of the child for the purposes of an application under this Part in respect of custody of or access to a child, a court shall consider all the needs and circumstances of the child including:

- (a) the love, affection and emotional ties between the child and, (i) each person entitled to or claiming custody of or access to the child, (ii) other members of the child's family who reside with the child, and (iii) persons involved in the care and upbringing of the child;
- (b) the views and preferences of the child, where such views and preferences can be reasonably ascertained;
- (c) the length of time the child has lived in a stable home environment;
- (d) the ability and willingness of each person applying for custody of the child to provide the child with guidance and education, the necessities of life and any special needs of the child;
- (e) any plans proposed for the care and upbringing of the child;
- (f) permanence and stability of the family unit with which it is proposed that the child will live; and
- (g) the relationship by blood or through an adoption order between the child and each person who is party to the application..."

(Children's Law Reform Act, 1980, c.20, §1)

Although specifically excluded from custody statutes in all the provinces, matrimonial "misconduct" and its implications for parental "fitness" may still play a role in the determination of custody (Repucci, 1984; Marafiotte, 1987). In theory, the personal behaviour of the marital partners should not have any bearing on parental fitness unless that behaviour directly interferes with their parenting ability (Clark, 1991; Foster, 1983; Shipley, 1986). However, once again, there are no clear guidelines for deciding when, or if, a parent's behaviour presents a danger to the child or a hindrance to the proper care of that child (Marafiotte, 1987) or when it is relevant in assessing parenting capabilities. The only exception is when a history of domestic violence is present in the family. Currently only the statutes in Ontario and Newfoundland have amendments which specifically address previous violence by one

parent against the other parent (Clark, 1991). These amendments order that such violence must be considered in evaluating the parenting capacity of the violent party. However, perhaps significantly, this amendment has yet to be proclaimed to be in force in Ontario (Clark, 1991). Therefore, the only courts in Canada which are ordered by law to consider domestic violence when assessing a person's ability to act as a parent are in Newfoundland².

Since courts are not required to rely strictly on the letter of the law in making custody determinations, they can adapt to shifts in social mores and attitudes. However, the lack of clear legal guidelines or even case precedent is problematic for judges endeavouring to make custody determinations. Therefore, the judicial system is faced with making value judgements on a host of social variables whose effect on families and children is unclear.

Custody and Access Determinations: The Legal Process. The lack of specificity in the Best Interests of the Child Criterion has led the courts to draw on the expertise of mental health professionals in determining custody. Psychologists and other mental health professionals are being asked to comment on such factors as the impact of sexual orientation, mental and physical illness, and joint versus sole custody without the benefit of established precedent, legislated law, or conclusive research. Since 90% of contested custody cases are still awarded to the mother, it seems unlikely that these decisions are being based solely on child-focused criteria (Hetherington et al., 1989; Marafiotte, 1987). There is evidence that these recommendations and decisions are being made by professionals based to some extent on their personal attitudes and biases about what is in the child's best interests (Charnas, 1981; Lowery, 1985; Marafiotte, 1987; Richards, 1988; Woody, 1977). Considering that custody decisions affect thousands of families each year, it is appropriate that these attitudes and their influence be described and understood. The

² A recent analysis of Canadian case law revealed that the Canadian judiciary are taking issues of spousal abuse into consideration in custody cases even though they are not legally required to do so (Clark, 1991).

subjective nature of the custody process may never be completely eliminated, but perhaps its impact can be controlled.

The judicial system places heavy emphasis on discovering the facts in any given case, and there is little doubt that this format does not lend itself to sorting through the emotionally coloured "truths" found in divorce and custody hearings (Foster, 1983; Irving & Benjamin, 1987). For example, the "fact" that both parents are or are not financially able to support the children is fairly easy to discover. However, the "truth" about the nature of each parent's relationship with each child may be more difficult to ascertain. In any given situation, the "facts" or the "truth" may be subject to each individual's perception and biases. This is particularly true in the arena of divorce and child custody where complex emotions are in play and the stakes are very high. In addition, as a result of their legal training, judges are more comfortable rendering custodial decisions based upon objective data rather than the subjective evidence often found in custody assessments (Charnas, 1981). It is much less complicated to base a decision on a presumption such as the Tender Years Presumption than on the ambiguous guidelines of the Best Interests Criterion.

Since the judicial system regards divorcing parties as totally independent legal entities who are engaged in a win-lose contest, little recognition is given to the ongoing nature of the relationship of these entities once the case has been settled (Jacobs, 1986; Repucci, 1987). In the context of most legal disputes, this is reality. The case is won or lost, appealed or not appealed, but the parties involved have the choice of terminating contact with each other. The nature of custody decisions, however, is that they are an attempt to legislate the "how, when and where" of continuing interaction. These decisions are an attempt to predict how the future of the parties involved will unfold given past and present behaviours. Unfortunately, if a custody decision is rendered based on "the facts," it may overlook those individual nuances critical to creating an environment that will optimally benefit the development of the children.

The rules governing behaviour for the legal profession also contribute to some of the problems inherent in dealing with child custody in a judicial setting. For

example, the Rules of Professional Conduct for lawyers demand that a lawyer:

"...act fearlessly to raise every issue, advance every argument, and ask every question, however distasteful, which he thinks will help his client's case and to endeavour to obtain for his client the benefit of any and every remedy and defense which is authorized by law."

(Rule 8, Commentary 1. Rules of Professional Conduct, Law Society of Upper Canada)

It is, therefore, the lawyer's duty and responsibility to represent, defend, and advocate for the best interests of their client, usually one or the other spouse. It is implicitly recognized that the best interests of the client may conflict with those of the child (Felner, Terre, Goldfarb, Farber, Primavera, Bishop, & Aber, 1985). Within the confines of the legal profession it is the judge who truly represents the best interests of the child in his position as *parens patriae*, whereas it is the lawyer's obligation to do whatever is necessary to sway the final recommendation in favour of their client (Felner, Rowlison, Farber, Primavera, & Bishop, 1987). Not surprisingly, this adversarial posturing may exacerbate parental conflict as lawyer's may attempt to demonstrate parental "unfitness" on the part of the other spouse in order to "win" their case (Repucci, 1984). This is in spite of converging evidence in the behavioral and social science literature that indicates the importance of parental cooperation to children's adjustment during divorce or separation.

Psychologists' Contributions to Custody and Access Determinations

Psychologists approach the dilemma of child custody from a radically different set of professional responsibilities. Whether the psychologist has been retained by one or both parents or has been appointed to the case as a friend of the court, the client remains the same--the child whose custody is being determined. However, psychologists take a more systemic view of the situation by taking into account the needs of all relevant parties (e.g., parents, siblings, grandparents), while maintaining focus on the best interests of the child (Vayda & Satterfield, 1989). Although this approach may appear to be more open-minded and better suited to the deliberation at hand, the psychologist's task in this process is fraught with liabilities. A great deal of

research has been directed at the effects of divorce, but relatively little has addressed the notion of "successful" custody arrangements insofar as they predict positive outcomes for children (Felner et al., 1987; Felner, Terre, Farber, Primavera & Bishop, 1985). As a result, psychologists are unable to state that a particular arrangement is the only arrangement that satisfies the best interests of the children involved. They can, however, highlight the child's needs in the context of each parent's strengths and weaknesses and the nature of the child's relationships with family members. Until further empirical evidence is available, it would seem that psychologists are equipped, at best, to provide the courts with relevant information about the family situation and to make recommendations as to which types of custody and access arrangements may best serve the interests of the children involved. This information may then be used to assist the courts in arriving at a custody and access determination.

Although increasingly it is being recognized that the courts are best served when a psychologist is appointed as a friend of the court, this scenario is enacted in only 26% of the cases where the input of a mental health professional is sought (Lowery, 1985). This is problematic in that psychologists have a history of rendering "expert testimony" on behalf of one or the other parent and then having that testimony discredited by another expert who presents an opposing opinion (Repucci, 1984). Currently, registration bodies are clear in their directives that the role of the psychologist is not to represent one parent but to prepare an objective report for the court, and the damage that has been done to the credibility of psychologists as sources of information in a custody case is gradually being rectified. The psychologist's capacity to contribute to custody and access matters will be greatly enhanced when a solid data base has been established upon which professional recommendations can be built.

Previous Research and the Current Study

To date only one study (Lowery, 1985) has specifically examined psychologists' perceptions of child custody criteria. This research, which surveyed

psychologists and social workers, instructed respondents to "rate the importance of each item...as criteria to be used in determining which parent should have custody" ³ (Lowery, 1985). Twenty-five custody criteria were provided (see Appendix A). Twenty of these 25 items were designed to reflect criteria identified from statute and case law on child custody. The remaining five items were drawn from relevant psychological literature.

Lowery was interested in three issues: (1) identifying the criteria used by clinicians in custody assessments; (2) assessing if the criteria endorsed as being important were consistent with the prognostic indicators identified in the literature; and (3) classifying differences that might occur as a function of professional background or amount of experience with custody evaluations. The results of this research indicated that the top five criteria selected by both psychologists and social workers were: (1) The quality of the parent-child relationship; (2) the parent's sense of responsibility to the child; (3) the parent's mental stability; (4) each parent's parenting skills; and (5) the amount of contact with the child by the custodial parent (Lowery, 1985).

A post-hoc principal component factor analysis (with orthogonal rotation) of all the items, in which only those factors which accounted for at least 10% of the variance were retained, revealed three dimensions. The first dimension, which accounted for 44% of the variance consisted of the following items: Each parent's sense of responsibility to the child; each parent's moral character, mental stability, and affection for the child; the quality of the parent-child relationship; and parenting skills. Lowery concluded that psychologists and social workers believe the custodial parent should be a mature, responsible person who has a loving relationship with the child in question.

The second dimension (15% of the variance) revealed a belief that the rights of a biological parent take precedence over a step-parent or adoptive parent, and the third

³ Dr. Lowery adheres to a custody model whereby the courts determine custody and psychologists assist this process by providing the courts with relevant information and recommendations. Lowery's research was interested in ascertaining which criteria psychologists and social workers said they used when completing custody assessments.

dimension (12% of the variance) considered the quality of the interpersonal environment available to the child through relationships with peers, relatives and the noncustodial parent. Overall, Lowery concluded that mental health professionals assigned the greatest importance to the parent-child relationship and the custodial adult's parenting capabilities (Lowery, 1985). The non-custodial parent was relegated to the position of being part of the child's general "interpersonal environment."

The conclusions drawn from these dimensions are incomplete in that they do not move much beyond folklore in defining what one would expect in any custodial parent. The root of the problem, however, does not lie in the conclusions but in the over-generalization of the items that constitute these dimensions. Lowery has not taken her defining items beyond that already found in most legal statutes nor has she attempted to address the ambiguity inherent in their terminology. For example, in ranking the parent-child relationship as one of the top five considerations, it is unclear which aspects of this relationship were specifically targeted. What do psychologists and social workers mean when they talk about the parent-child relationship? Based on the literature it might be assumed that this category would include an examination of the quality of the relationship, the possible presence of abuse, and the amount of contact each parent had with the child before and during the separation. Yet it would not be sufficient to say that all of these aspects of the parent-child relationship are important. Instead the current study tries to ascertain which aspects or specific criteria pertaining to the parent-child relationship are more or less important considerations for professionals involved in child custody and access evaluations. In order to clarify the custody process, generalizations must be broken into their constituent parts and examined both for empirical support and practical consideration. Furthermore, unlike Lowery's instructions in which respondents were asked to "rate the importance of each item as criteria to be used in determining *which parent* should have custody," the current study maintains a non-biased approach to the considerations included in the questionnaire. That is, no assumption has been made with regard to the "superiority" of either a sole custody (one parent) or joint custody (both parents) arrangement.

Lowery found no significant differences in criteria endorsed depending on

professional group (i.e., psychologists versus social workers), amount of experience in preparing assessment reports, age, gender, years of clinical practice, or experience with children and families. This, however, may be an artifact of the global nature of the criteria employed and their limited specificity. In terms of agreement with other research, Lowery took issue with two of the findings from her study. The respondents in this sample did not emphasize the co-parental relationship contrary to recommendations from the literature pertaining to the impact of this relationship on the child's adjustment. Furthermore, the respondents down-played financial sufficiency which, in Lowery's opinion, overlooked the reality of the stress of financial concerns on divorced mothers and the finding that minimal financial change is related to favourable adjustment after divorce (Hodges, Wechsler, & Ballantine, 1979).

This study focuses specifically on psychologists' considerations when making custody and access recommendations that are in the child's best interests. Since research in this area is almost non-existent, this study will be exploratory in nature. The research will focus on three questions: (1) Can the Best Interests of the Child Criterion be understood as a three dimensional model; (2) Is there consistency in the relative importance of the items across the profession and do individual differences (e.g., age, gender, theoretical orientation) influence this interpretation; and (3) What relative importance do psychologists assign to considerations that may be relevant to understanding the best interests criteria?

In a post hoc analysis of her data, Lowery (1985) discovered three dimensions which included 10 of the 25 items on her survey. However, the global nature of these dimensions did not allow for differentiation between relational variables, the child's needs, or parental abilities necessary to meet these needs. In an effort to address this shortcoming, the current study has expanded the list of criteria from 25 to 60 items. The purpose of this expansion is to provide a more detailed explication of what psychologists consider when discussing generic categories such as the "quality of the parent-child relationship," "parenting skills," or "relationship with ex-spouse". By providing items which provide more specific information about such categories, it is hoped that a more refined understanding will be achieved of which criteria are

considered to be important in child custody and access assessments, the order in which they are considered, and how these items might be reduced into a three dimensional model.

Hypotheses

This study investigates two central hypotheses:

(1) It is hypothesized that psychologists' ratings of the Best Interests of the Child Criterion may be understood as forming three dimensions:

- (a) the relational dimension (i.e. the co-parental relationship and the parent-child relationship);
- (b) the needs of the child; and
- (c) the qualities/abilities of the parents.

The first dimension, including the parent-parent and the child-parent relationships, reflects research findings that indicate that the nature of these relationships may mediate the impact of divorce on children's adjustment and should, therefore, be considered when interpreting the best interests of children. Items included under the needs of the child dimension are drawn from the statutes and research relating to the best interests of the child. The final dimension, qualities/abilities of the parents, is perhaps the most pragmatic dimension in that it deals specifically with each parent's ability to meet the needs of the child and to mediate the impact of the divorce. In this sense, it is a natural outgrowth of the other two dimensions.

(2) It is hypothesized that individual differences in the extent to which psychologists' consider specific items to be relevant in custody and access recommendations may be influenced by the following variables:

- (a) area of degree;
- (b) area of registration;
- (c) the level of education; and
- (d) the amount of experience the practitioner has in custody assessment.

Due to the nature of the work involved in conducting custody assessments, it is

expected that a majority of practitioners engaged in this work will be graduates of a clinical psychology program and be registered as clinical psychologists. Since the training provided in this program is more directly relevant to custody assessment than, for example, the training provided in an educational/school psychology program, it is possible that graduates of these programs will demonstrate different beliefs and biases when assessing the criteria. It is also possible that psychologists who have completed a Doctoral degree may view the criteria differently from those trained at a Master's level. Education, experience and knowledge differs significantly at these two levels, and this may be reflected in how these two groups consider the criteria. Finally it is hypothesized that there will be group differences based on the amount of experience the practitioner has in conducting custody assessments. It is possible that experience in completing custody assessments prepares one for the ethical dilemmas and adversarial nature of the process enabling one to focus on what experience has shown to be most relevant in making such recommendations. Age and gender will be investigated as other possible sources of individual differences on an exploratory basis. Although Lowery's (1985) research did not find any significant differences based on these variables, it is possible that this reflects a lack of specificity in her items which clouds subtle age and gender effects. With the inclusion of more specific considerations in the current questionnaire, it is possible that some of these differences may become apparent.

CHAPTER II

METHOD

The methods employed to complete this research study are described in four sections. The first section describes the development of the questionnaire used to gather the data. The second and third sections detail how the data were collected and describe the research participants who completed the questionnaire. A fourth section provides information regarding the handling of missing data.

Measure

The Best Interests of the Child Questionnaire (BICQ) was developed specifically for this study (see Appendix B) to assess psychologists' understanding of what factors are important to consider when making custody and access recommendations which reflect the children's best interests.

In order to investigate the influence of individual differences on response patterns, a number of demographic variables were included in the BICQ. These variables included age, gender, highest degree obtained, area of degree, area of registration, main area of practice, and theoretical orientation. Respondents were also asked to indicate whether or not they had ever completed a child custody and access assessment report, how many assessments they conducted per year, and the context in which they prepared these reports (e.g., private practice or family court clinic). If respondents were no longer accepting referrals for custody and access assessments, they were asked to indicate why they had stopped. Finally, respondents were asked what role they believed psychologists should play in the custody and access process and what kinds of training they perceived as essential to developing competence in conducting child custody and access assessments.

An examination of previous psychological research (Lowery, 1985; see Appendix A) and legal literature lead to the development of 60 items⁴ organized into

⁴ In order to increase item clarity and decrease redundancy between items, an original pool of 76 items was reworked, reworded, and reduced to a final pool of 60 BICQ items.

three dimensions believed to reflect the Best Interests of the Child Criterion: (1) a relational dimension which was further broken into parent-parent and child-parent relationship scales; (2) a needs of the child dimension; and (3) an abilities of the parents dimension. The relational dimension was designed to reflect current findings regarding the importance of relationship variables in mediating the effects of divorce on children⁵. Items relevant to the relational dimension were divided into two scales: the parent-parent relationship scale and the child-parent relationship scale. Items on the parent-parent scale address issues of interparental conflict, cooperation, domestic violence, and ability to share parenting responsibilities. These parent-parent items reflect empirical findings demonstrating the importance of the parents' relationship to children's adjustment during and after the separation period. An additional item, considering to what extent each parent was responsible for the marriage breakdown, explores the respondent's attitudes towards the outdated legal notion of assessing parental "fault" to determine child custody. There is no empirical evidence that this practice is in the best interests of the child.

Items on the child-parent relationship scale investigate the importance of each parent's affection for the child, the child's affection for each parent, each parent's sense of responsibility for the child, and the amount of contact between parents and children before and during the separation period. This scale also queries beliefs regarding the importance of past physical and sexual abuse of the child by a parent, known to jeopardize children's adjustment under any circumstances. Another item on the child-parent scale targets parental manipulation of the child insofar as divorcing parents may pressure children to "choose" between them. Recent research demonstrates that parental pressure of this kind exacerbates children's loyalty conflicts, which in turn compromises their psychological health (Buchanan et al., 1991). An additional item on this scale examines the importance psychologists place on keeping a young child and the mother together. This "tender years" presumption lacks empirical support and has begun to fall into disfavour in the courts.

⁵ See the Introductory chapter of this thesis for a review of this literature.

The needs of the child dimension is grounded in legal statutes affirming the priority of children's needs in child custody and access decisions⁶. Consistent with such legal statutes as well as relevant developmental literature, this dimension considers such items as the importance of the child's daily routine, their desire to maintain relationships with siblings, their academic needs, and any fears they may have about the current family situation. Respondents were also asked to rate the importance of the child's need to be with the "psychological" parent. The concept of psychological parent, while disputed in the psychological literature, has been widely accepted by the legal profession and has been established through legal precedent as an important construct in judicial decision making (Radin, 1984; Repucci, 1984). This item was included to assess the extent to which psychologists consider this construct to be important in child custody and access matters.

The third dimension assesses the importance of each parent's ability to meet the various needs of the child. Items on the qualities/abilities of the parents dimension question the importance of each parent's capacity to contribute to the child's moral development, their current and previous drug and alcohol use, their psychological adjustment, their ability to provide stable community involvement to their children, their own childhood history of physical and/or sexual abuse, and their ability to provide access to education. Although many of these items reflect criteria stressed in legal statutes, they also reflect empirical research on parenting and divorce. For example, it is known that a childhood history of physical abuse increase a parent's risk for physically abusing their own children, particularly in stressful circumstances (Herrenkohl, Herrenkohl, & Toedter, 1984; Kaufman & Zigler, 1987; Wolfe, 1987). This raises the question of whether and to what extent psychologists consider parents' histories of abuse when developing custody and access recommendations they believe to be in the children's best interests. Familiarity with current legal practice is measured with items such as each parent's financial sufficiency, an issue which is

⁶ For a review of the criteria stressed in legal statutes see Best Interests of the Child Criterion in the Introduction of this thesis.

typically downplayed in custody decisions rendered by the courts (Emery, Matthews, & Wyer, 1991; Lowery, 1985). Finally, items assessing the importance placed on each parent's empathic capacity and understanding of child development reflect empirical evidence underlining the importance of these parental qualities to healthy parenting practices (Bavolek, 1984).

Items within the dimensions were randomly ordered except where items appeared to be similar in content but were actually addressing different issues. This exception holds true for two items on the parent-parent scale which focus on violence and conflict in the parental relationship, two items on the child-parent scale focusing on physical versus sexual abuse of the child by a parent, and two items on the abilities of the parents dimension focusing on a parent's childhood history of sexual abuse versus a parent's childhood history of physical abuse. In those instances, similar items were separated in order to ensure that they were considered within the context of the dimension rather than a direct comparison of how they related to each other.

A final section of the questionnaire provides participants with an opportunity to add items they believed should have been included on the BICQ. Respondents were requested to rate such items with the same Likert scale used throughout the questionnaire. The purpose of this final section of the BICQ was to assure maximum coverage of considerations relevant to psychologists' understanding of the Best Interests of the Child Criterion by providing psychologists with an opportunity to add items the researcher may have missed.

Procedure

Considering the exploratory nature of this research, it was decided not to limit participation in this study to those psychologists who identify themselves as specializing in custody assessment, but to include all psychologists who consider themselves knowledgeable in the area of child custody and access. Since it was unclear who might fall into this category, questionnaires were sent to all 800 registered members of the College of Psychologists of British Columbia (CPBC). Following approval of the study by the University of Victoria's Human Subjects

committee, the CPBC was approached about including the BICQ with the mailing of their monthly publication. The CPBC granted this request and also included a short article regarding the study in their newsletter (see Appendix C). Eight hundred BICQ packages were assembled and delivered to the CPBC office for mailing.

The BICQ package consisted of: a covering letter which described the research, safeguards to confidentiality, and the dissemination of information; the BICQ; and a stamped, return addressed envelope. The covering letter explained that the purpose of the research was to determine the attitudes of psychologists regarding their understanding of the Best Interests of the Child Criterion (See Appendix D). Subjects were advised that returning a completed questionnaire would be understood as their informed consent to participate in the study. From this initial mailing, 73 completed questionnaires were received.

Although the target group for this study was all psychologists who believed themselves to be knowledgeable in the area of child custody and access, additional effort was made to assure adequate coverage of psychologists actively engaged in child custody and access assessments. A follow-up letter attached to another copy of the questionnaire was mailed one month after the initial mailing to the 88 psychologists specifically identified in the CPBC's registry (1991) as working in the areas of custody assessments (24 registered), divorce mediation (33 registered), or with children of divorce (31 registered)⁷. An additional 10 questionnaires were returned two weeks later with five completed. Of the 78 completed questionnaires received, 38 were returned by psychologists who either had conducted assessments in the past (19) or were currently conducting child custody and access assessments (19). The remaining 40 questionnaire respondents were psychologists who felt they were knowledgeable about issues pertaining to child custody, but had no practical experience in completing custody and access evaluations (i.e., developmental and family researchers; and clinicians competent to, but choosing not to, practice in the child custody and access

⁷ Psychologists registered in more than one area have been counted only in one section.

area). Discussions with psychologists working in the area of child custody and access assessment and a review of the number of psychologists listed in the CPBC's 1991 directory suggest the majority of psychologists working primarily in this or related areas received two opportunities to participate in this study. Considering the process undertaken to secure participants and considering the apparent paucity of psychologists actively working in this area, it is not unreasonable to conclude that these 38 respondents are representative of the population of psychologists currently engaged in child custody/access assessment in British Columbia.

The same scale was used on each of the four sections of the BICQ. Respondents were instructed to rate each item according to how important it was to them when making custody and/or access recommendations. The strength of endorsement for each item was determined using a 7-point Likert scale (7=Essential, 6=Extremely Important, 5=Very Important, 4=Important, 3=Marginally Important, 2=Not Important, 1=Irrelevant, Should not be considered). In the introduction to the questionnaire, respondents were requested to check off the numbered box which best represented their belief regarding the importance of that item. An example of how an item might be rated was given using an item not actually found on the questionnaire.

A brief foreword was provided for each of the four sections of the BICQ which explained the area under consideration and gave an example using an item not found on the actual questionnaire. The basic instructions for rating each item were then repeated. For ease of reference, the 7-point Likert scale was displayed at the top of each section.

Respondents were informed that a summary of the results would be disseminated through the CPBC's monthly publication. If more detailed results were required, respondents were directed to contact the researcher through the university or to include their name and address with the completed questionnaire.

Research Participants

Seventy-eight psychologists (9.4%) returned completed questionnaires. An additional 164 psychologists (21%) responded that the questionnaire was outside their

area of expertise and therefore they did not feel qualified to participate⁸. The age of the participants who completed the questionnaire ranged from 35 to 72 years of age with the mean being 47.3 years (SD=7.6). Forty-five subjects were male (57.7%) while 33 were female (42.3%). These figures are representative of the current distribution for psychologists practising in British Columbia⁹.

The majority of respondents (73%) held Doctoral degrees in either psychology or education, while the balance possessed either a Master of Arts, a Master of Science, or a Master of Education degree. Forty-six percent of these degrees were in the area of clinical psychology, 24% were in counselling psychology and 30% were categorized as "other." This classification included educational psychology, neuropsychology, developmental psychology, industrial/organizational psychology, and experimental psychology.

Missing Data

Research participants were instructed not to skip any items. However, a frequency count of all the item scores indicated that a total of 20 scores were missing from the 78 completed questionnaires. Since the 20 missing scores were spread across 15 variables, concern regarding a spurious reduction in the variance of an item or its correlation with another item was unwarranted. The missing data were accounted for within all subsequent analyses by inserting the overall mean for that item.

⁸ Of these respondents, 92 completed the first four demographic questions on the BICQ. The mean age for this group was 47.5 years; 41 were male (45%), 51 were female (55%); 67% had Doctoral degrees in either psychology or education, 33% possessed either a Master of Arts, Master of Science, or Master of Education degree; 47% of these degrees were in clinical, 21% in counselling, and 32% in "other" areas of psychology.

⁹ A status report based on data collected from registered psychologists in British Columbia in 1990 (Jackson, Wood, Kerluke, Kazanjian, 1991) reported that their mean age was 47.6 years and that the population was 56.7% male and 43.3% female.

CHAPTER III

RESULTS

This study examines how psychologists understand the Best Interests of the Child Criterion as measured by their responses on the Best Interests of the Child Questionnaire (BICQ). The results are reported in two sections. The first section provides demographic and descriptive information about the psychologists who participated in this study. The results of inferential statistical analyses relevant to the central hypotheses are reported in the second section.

Descriptive Results

Demographics Demographic variables (Age, Gender, Highest Degree Obtained, Area of Degree, Area of Registration, Role of Psychologists in Child Custody and Access Determinations, and Theoretical Orientation) were tabulated for the total sample (N=78), for psychologists who have never done a custody assessment but consider themselves knowledgeable in the field (Never Done; N= 40), and for psychologists who have experience in completing custody assessments (Have Done; N=38). This information is reported in Table 1. Results pertaining to the Theoretical Orientation of the Never Done and Have Done Assessment groups are presented in Table 2.

Pearson chi-square analyses on categorical demographic variables (Gender, Highest Degree Obtained, Area of Degree, Area of Registration, Role of Psychologists, and Theoretical Orientation) and analyses of variance on the Age variable revealed no difference between the Have Done and the Never Done groups except for Area of Registration ($p < .001$). This difference reflects, not unexpectedly, that the Have Done group includes more registered clinical psychologists than the Never Done Group. In the Never Done Assessment group 52.5% are clinical psychologists and 47.5% are categorized as "other" (i.e., psychologists registered in the areas of Counselling, Educational/School, Industrial/Organizational or Research/Academic). This ratio in the Have Done Assessments group is 86.8% to 13.2%, respectively.

Table 1
Demographic Variables for Total Sample, Psychologists Who Have Never
Done Assessments (Never Done), and Psychologists
Who Have Done Assessments (Have Done)

	Total Sample (N=78)	Never Done (N=40)	Have Done (N=38)
Age (Mean)	47.3	47.8	46.8
Gender			
Male	45	22	23
Female	33	18	15
Degree			
Master's	20	12	8
Doctorate	58	28	30
Area of Degree			
Clinical	36	15	21
Counselling	19	14	5
Other+	23	11	12
Area of Registration*			
Clinical	54	21	33
Other++	24	19	5
Role of Psychologist			
No Response	1	1	0
Not Be Involved	1	0	1
Gather Information	24	9	15
Recommendations	48	26	22
Decision maker	4	4	0

* $p < .001$

+ Other = Educational, Industrial/Organizational, Applied Research,
Social, Developmental, Neuropsychology

++Other = Counselling, Educational/School, Research/Academic, Community

Table 2
Theoretical Orientation for Have Done
and Never Done Assessment Groups

Theoretical Orientation	Total Sample (N=78)	Never Done (N=40)	Have Done (N=38)
Cognitive/Behavioral	23	11	12
Systems	15	9	6
Psychodynamic	12	5	7
Humanistic/Phenomenological	9	6	3
Eclectic	8	3	5
Other+	4	2	2
No Response	7	4	3

+ Other = Analytical, transformational, social learning, developmental theories

Role of Psychologists in the Custody and Access Process In addition to demographic information, respondents were asked what role they believed psychologists should primarily play in the custody and access process. Forty-eight of the respondents (61.5%) believed that psychologists should continue in their current role of making recommendations to the court regarding custody but leave the final decision making in legal hands. Twenty-four respondents (31%) stated that psychologists should restrict their participation to gathering information and should not be making recommendations regarding custody and access determinations. Only four respondents (5%) stated that the process might be better served if the ultimate decision regarding custody was in the hands of the psychologist and these four were all from the group who had never conducted a custody assessment. One participant from the Have Done Assessment group believed that psychologists simply should not be involved in the custody/access process in any way.

Training Essential for Competency in Custody Assessment Research participants were asked to write down what types of training they believed were essential to developing competence in conducting assessments. Space was provided to write in four answers, although this number was not specifically requested. Although this question drew a wide range of responses (see Table 3), only five responses were supported by at least 30% of the total sample. Mentioned most frequently was the need for specific workshops and training on the custody process and in conducting psychological assessments in this area (53%). This was followed by marital/family therapy skills (49%), training in clinical psychology (49%), and possessing a background in developmental psychology (46%). Thirty-one percent also recognized the importance of being familiar with some aspects of family law and those legal considerations relevant to the custody and access process.

Psychologists Who Have Experience Conducting Assessments There appears to be a gender difference in the number of males versus females who are currently active in the field of child custody. In the No Longer Doing Assessment group, nine respondents are male and ten are female, while in the Still Doing Assessment group only five of the 19 respondents are female. Considering the current breakdown for

Table 3
Types of Training Essential for Competency in Custody and Access
Assessment for Never Done and Have Done Assessment Groups

Type of Training	Total Sample (N=78)	Never Done (N=40)	Have Done (N=38)
Workshops/Training in Assessment/Custody Process	41	22	19
Marital/Family Therapy	38	21	17
Clinical Psychology	38	14	24
Developmental Psychology	36	16	20
Legal Aspects of Custody	24	12	12
Read Relevant Literature	9	5	4
Physical/Sexual Abuse Training	7	1	6
Minimum Training at Master's Level	5	2	3
Psychometrics	5	2	3
Ethics	5	3	2
Writing Reports	4	1	3
Forensics	4	2	2
Knowledge about Parenting	3	0	3
Several Years Clinical Experience	2	1	1

gender of psychologists in British Columbia¹⁰, one would expect the male to female ratio in both of these categories to be eleven men to eight women. Explanations and implications of this gender imbalance will be addressed in the Discussion section of this thesis.

Respondents who stated that they had done or were still doing custody assessments were asked three additional questions: (1) the number of custody assessments they completed per year; (2) the context in which they did these assessments; and (3) if they were no longer involved, why they had stopped accepting referrals for custody assessments. Examination of these data revealed that the majority (63%) of psychologists who either had been or were still actively doing custody assessments limited the number of reports they completed to less than five per year. Seventy-six percent of the group undertook assessments within the context of their private practice, while only 24% conducted assessments for Family Court and Mental Health Services (see Table 4). High levels of stress and the adversarial nature of this work were the reasons most often cited for no longer accepting referrals for custody/access assessments (see Table 5).

Inferential Statistics

The following sections report the results of the statistical analyses used to test the central hypotheses and exploratory factor analyses of the data. Section one reports the means, standard deviations and overall rankings of the 60 items and section two reports the psychometric properties of the a priori three dimensional structure for the Best Interests of the Child Criterion. Section two also summarizes the results of an exploratory principal components analysis of each dimension. Section three discusses results regarding group differences on the obtained factors.

Overall Ranking of Best Interests Criterion Using the respondents' rating of the importance of each item, mean scores and standard deviations were calculated. A

¹⁰ For a specific breakdown of gender differences in this population, see Research Participants in the Methods section of this thesis.

Table 4
 Number of Custody Assessments and Context for
 Psychologists No Longer and Still Doing Custody and Access Assessments

	Total Sample (N=38)	No Longer Doing (N=19)	Still Doing (N=19)
<hr/>			
Gender			
Male	23	9	14
Female	15	10	5
Custody Reports/Year:			
1 - 5	24	15	9
6 - 9	4	1	3
10-15	6	3	3
More than 15	4	0	4
Context:			
Private Practice	29	13	16
Family Court	3	1	2
Mental Health Services	6	5	1

Table 5
Reasons Given for No Longer Conducting
Custody and Access Assessments

Reasons for Stopping	No Longer Doing (N=19)
Too Adversarial	5
Court Testifying	
Too Stressful	5
Too Stressful	4
No Longer Interested	4
Not In Active Practice	2
Emotionally Draining	2
Takes Too Much Time	2
Need More Training	1
Not Satisfying Work	1

rank ordering of the 30 items rated by the total sample as being the most important when making child custody and access recommendations is presented in Table 6 (for a complete ranking of all 60 items see Appendix E). Of these 30 items, 11 are found in the relational dimension (five parent-parent relationship, six child-parent relationship), 11 are found in the needs of the child dimension, and eight are from the abilities/qualities of the parents dimension.

The Three Dimensional Model It was hypothesized that the Best Interests of the Child Criterion might be understood as a three dimensional model: (1) a relational dimension separated into the parent-parent relationship and the child-parent relationship; (2) the needs of the child dimension; and (3) the qualities/abilities of the parents dimension. Each of the items on the BICQ were sorted a priori onto one of these three dimensions. To test the reliability of these dimensions, coefficient alpha (Cronbach, 1951) was computed for each dimension. The resulting reliability estimates for the relational dimension, parent-parent scale ($\alpha=0.78$), the relational dimension, child-parent scale ($\alpha=.70$), the needs of the child dimension ($\alpha=.91$), and abilities of the parents dimension ($\alpha=.89$) suggest adequate internal consistency for items within each dimension. The reliability estimate for the BICQ as a whole ($\alpha=.94$) suggests that all of the items taken together could be considered to tap a single dimension, which in the context of this study may be understood as the Best Interests of the Child Criterion.

Factor Solutions Although there is reasonable psychometric evidence for the a priori structure of the BICQ, the results of inter-item correlational analyses indicated low to moderate positive correlations between individual items on each of the dimensions (Appendix F: Tables F1, F2, F3, and F4). Therefore, an exploratory principal component analysis using varimax rotation was conducted to determine: (1) if each of the hypothesized dimensions contained only one factor or if there was an underlying multidimensional structure for each dimension; and (2) if there were any items which were not highly correlated with the dimension. Those items which failed to load on any factor at a significant level could then be examined as to their contribution to the best interests structure and their relative importance as a best

Table 6
 Items Rated as Being Most Important When Making
 Child Custody and Access Recommendations:
 Rank Ordered According to Means (N=78)

Best Interests Criteria	Means	S.D.
1. Sexual abuse of the child by a parent (CP6*)	6.83	0.57
2. Physical abuse of the child by parent (CP2)	6.69	0.59
3. Child's views when child is 15 years or older (NC13E)	6.19	1.06
4. The emotional needs of the child (NC6)	6.11	0.94
5. Each parent's ability to understand their child's needs and separate them from their own needs (AP23)	6.10	0.91
6. Parent's ability to provide safe physical environment for child (AP21) .	6.10	1.03
7. Overall quality of each parent's relationship with the child (CP11) . . .	6.00	0.94
8. Child's views when the child is 12 to 14 years old (NC13D)	5.97	0.94
9. Physical violence in the parent' relationship (PP5)	5.96	1.01
10. Each parent's current alcohol/drug use (AP5)	5.85	1.02
11. Each parent's psychological adjustment (AP9)	5.73	1.12
12. Each parent's ability to accommodate child's health needs (AP7) . . .	5.61	0.98
13. Each parent's affection for the child (CP1)	5.54	1.16
14. Parent's willingness to allow child contact with other parent (PP8) . . .	5.53	1.22
15. Any fears the child has about current family situation (NC8)	5.51	1.12
16. The level of conflict between parents (PP7)	5.50	1.08
17. The child's affection for each parent (CP10)	5.47	1.08
18. Child's views when child is 9 to 11 years old (NC13C)	5.46	1.16
19. Physical handicaps or special health needs of child (NC4)	5.45	1.03
20. Child's perception of their relationships with family members (NC12)	5.36	1.02
21. Child's need to be with "psychological" parent (NC2)	5.35	1.32
22. Each parent's feelings of responsibility for the child (CP9)	5.31	1.14
23. Each parent's parenting style (discipline practices & beliefs) (AP14) .	5.23	1.28
24. Child's need for relationships with brothers & sisters (NC1)	5.22	0.99
25. Parents' ability to cooperate on parenting matters (PP1)	5.15	1.22
26. Parents' willingness to share parenting resp. after separation (PP4) . .	5.08	1.12
27. Child's views when child is 6 to 8 years old (NC13B)	5.00	1.17
28. The child's desire to see grandparents and extended family (NC11) . .	4.90	0.97
29. Each parent's history of alcohol/drug abuse (AP6)	4.88	1.31
30. Each parent's ability to provide access to appropriate education (AP4)	4.72	1.20

*Item's number on BICQ; PP= Parent-parent scale; CP= Child-parent scale;
 AP = Abilities/Qualities of the Parents; NC = Needs of the Child

interests criteria. As a result of these analyses, only one item was dropped from the 60 item scale. This item, relating to parental pressure on the child to "choose" one parent over the other was dropped from the relational dimension as it failed to load above .400 on any factor.¹¹

Since the relational dimension was presented on the BICQ as two separate scales, the parent-parent relationship and the child-parent relationship, and since there was a high probability that these scales were strongly correlated, it was decided not to collapse them to form one dimension. Such an analysis would force orthogonality onto factors which may not be independent of one another, and any interpretation of such a factorial solution might be misleading.

The parent-parent scale from the relational dimension was reduced into two factors accounting for 51.7% of the total variance (Table 7). Factor 1, identified as "Willingness to Share Parenting," considered the parents' willingness to work together to share parenting, both in the past and in the future, and their willingness to allow the child to continue seeing the other parent. Factor 2 was identified as "Conflict/Cooperation" and considered the parent's ability to cooperate with each other on parenting matters and the level of conflict apparent within their relationship. The ability to cooperate on parenting matters formed a complex variable which was more strongly correlated with Factor 2, but also contributed significantly to the parents' ability to share parenting responsibilities. The child-parent scale also formed a two factor structure which accounted for 47.4% of the total variance (Table 8). Factor 1, "Quality of the Child-Parent Relationship," pulled together items related to reciprocity of affection, the presence of child abuse, and each parent's overall relationship with the child. Factor 2, "Parental Commitment to the Child," considered the amount of parental contact with the child before and during the separation, and developmental issues such as keeping a young child with the mother and the same sex child and parent together.

¹¹ The relevance of the low loading for this item will be investigated further in the Discussion section of this thesis.

Table 7
Rotated Factor Loadings for Principal Components Analysis
for the Parent-Parent Scale from Best Interests of the Child Criterion

Variable	Factor 1	Factor 2
Parent's willingness to share parenting after separation (4*) . . . . .	.86	.01
Each parent's willingness to allow child contact with other parent (8) . . . . .	.70	.30
Parents' history sharing parenting responsibilities (3) . . . . .	.68	.33
Parent's preferences for possible shared parenting plans (6) . . . . .	.59	.16
Extent each parent responsible for marriage breaking down (9) . . . . .	.56	-.05
Parents' ability to cooperate with each other on parenting matters (1) . . . . .	.44	.54
Level of conflict between the parents (7) . . . . .	.25	.77
Physical violence in parents' relationship (5) . . . . .	.01	.76
Extent new partners contribute to parenting (2) . . . . .	.04	.57
<hr/>		
Variance Accounted For	29.1%	22.6%
Total Variance Accounted For	51.7%	

* Item's assigned number on BICQ

Table 8
Rotated Factor Loadings for Principal Components Analysis
for the Child-Parent Scale from Best Interests of the Child Criterion

Variable	Factor 1	Factor 2
Each parent's affection for the child (1*) . . . . .	.78	.06
Overall quality of each parent's relationship with child (11) . . . . .	.76	.08
Keeping a young child and mother together (7) .	-.75	.60
Child's affection for each parent (10) . . . . .	.70	.13
Physical abuse of child by parent (2) . . . . .	.56	.03
Each parent's feelings of responsibility for the child (9) . . . . .	.56	.48
Sexual abuse of child by parent (6) . . . . .	.54	-.09
Extent of parent/child contact before separation (4) . . . . .	.24	.81
Extent of parent/child contact during separation (5) . . . . .	.05	.73
Keeping parent/child of same sex together (3) . .	.02	.50
<hr/>		
Variance Accounted For	26.7%	20.7%
Total Variance Accounted For	47.4%	

* Item's assigned number on BICQ

Three factors were retained on the qualities/abilities of the parents dimension accounting for 52% of the total variance (Table 9). Factor 1 represented each parent's ability to provide "Stability." This Factor considered such variables as each parent's ability to provide access to friends, extended family, and stable community involvement. Variables concerning each parent's financial sufficiency, religious orientation, and sexual orientation also loaded on this factor. Factor 2 on the abilities/qualities of the parents dimension pulled together each parent's history of drug and/or alcohol abuse, their psychiatric history, and their childhood history of sexual or physical abuse. Identified as "Parental History", this factor contained items about a parent's history which might impact on each parent's current ability to function in a parenting role. Three complex variables also loaded on Factor 2: (1) each parent's ability to provide a "family" environment; (2) each parent's sexual orientation; and (3) each parent's ability to provide appropriate education. The third Factor, "Parenting Skills" brought together items which concentrated on the parents' current level of functioning (e.g., current alcohol/drug use, psychological adjustment) as well as each parent's ability to separate their needs from the needs of their children. It also considered more pragmatic abilities such as providing a safe physical environment for the child, accommodating the child's health needs, and knowledge about child development.

The third dimension, needs of the child, retained two factors which accounted for 54.5% of the total variance (Table 10). Factor 1 focused on the "Developmental Sensitivity" of various issues considered when assessing child custody. The views and preferences of the child at various developmental stages formed the core of this factor. Items related to any fears the child may have about the current family situation and the child's perception of their relationships with family members were also correlated with this factor. Factor 2, labelled "Pragmatic Needs," recognized the more fundamental needs of children including emotional, relational, academic, and health needs.

Factor Structure Stability Once the factor structure of the Best Interests Criterion was established, it was necessary to insure that the actual factor structure

Table 9
Rotated Factor Loadings for Principal Components Analysis for the
Qualities/Abilities of the Parents Dimension from Best Interests of the Child Criterion

Variable	Factor 1	Factor 2	Factor 3
Ability to provide stable community involvement (19*) . . . . .	.76	.15	.22
Ability to provide access to other children of the same age (22) . . . . .	.71	.08	.31
Each parent's financial sufficiency (12) . . . . .	.67	.01	.11
Access to support from family and friends (13) . . . . .	.67	.17	.36
Ability to provide "family" environment (11) . . . . .	.62	.47	.06
Willingness to provide contact with extended family (8) . . . . .	.60	.10	.08
Ability to maintain child's daily routine (16) . . . . .	.55	.00	.42
Sexual orientation (10) . . . . .	.53	.46	-.19
Religious orientation (17) . . . . .	.47	.25	-.27
Ability to provide appropriate education (4) . . . . .	.43	.43	.21
Childhood history of sexual abuse (3) . . . . .	.00	.82	.05
Childhood history of physical abuse (18) . . . . .	.15	.81	.06
History of drug/alcohol abuse (6) . . . . .	.15	.72	.15
Psychiatric history (15) . . . . .	.25	.50	.19
Ability to provide safe physical environment (21) . . . . .	.15	.04	.73
Parenting style including discipline practices and beliefs (14) . . . . .	.20	-.15	.73
Ability to understand child's needs separate from their own needs (23) . . . . .	.20	.06	.72
Current alcohol/drug use (5)	-.16	.27	.66
Ability to accommodate child's health needs (7) . . . . .	.39	.01	.63
Psychological adjustment (9) . . . . .	.32	.18	.59
Understanding of child development (1) . . . . .	.05	.36	.52
Capacity to contribute to child's moral development (2)	-.03	.36	.51
Ability to maintain child's interests and preferred activities (20) . . . . .	.50	.09	.51
Variance Accounted For	19.4%	14.1%	18.5%
Total Variance Accounted For	52.0%		

*Item's assigned number on BICQ

Table 10
Rotated Factor Loadings for Principal Components Analysis
for the Needs of the Child Dimension from Best Interests of the Child Criterion

Variable	Factor 1	Factor 2
Child's views and preferences regarding custody arrangements when: (13*)		
Child is 9 to 11 years old . . . . .	.91	.10
Child is 6 to 8 years old . . . . .	.90	.13
Child is 12 to 14 years old . . . . .	.80	.09
Child is 0 to 5 years old . . . . .	.75	.18
Child is 15 years old or older . . . . .	.54	.08
Child's perception of relationship with family members (12)		
Fears child has about current family situation (8)	.48	.25
Child's need to be with "psychological" parent (2)	.47	.41
Academic needs of the child (10) . . . . .	.10	.81
Intellectual needs of the child (3) . . . . .	.04	.76
The child's daily routine (5)	-.02	.74
Child's desire to see grandparents and extended family (11)		
Physical handicaps or special health needs of the child (4) . . . . .	.31	.63
Child's desire to see their friends (9) . . . . .	.32	.62
Emotional needs of the child (6) . . . . .	.46	.55
Child's interests and preferred activities (7) . . . .	.50	.53
Child's need for relationships with siblings (1) . .	.39	.46
<hr/>		
Variance Accounted For	28.7%	25.7%
Total Variance Accounted For	54.4%	

* Item's assigned number on BICQ

was stable for all groups. To determine this, constrained principal component analysis (Hunter & Takane, In Press(a); Hunter & Takane, In Press(b); Takane & Shibyama, 1991) was conducted to assess the equivalence of the factor structure across the effects of the Referral group, Gender, and their interaction. Careful inspection of the loading matrices for these solutions revealed the same variables were loading highly on the same factors, and that factors could be labelled in the same manner for all the factor solutions (Tabachnik & Fidell, 1989). It would appear, therefore, that the factor structure remained constant across both Gender and Referral groups.

Group Differences In the Factors Having established that the factor structure was stable, focus was directed towards an examination of group differences in factor means. To determine if there were significant between group differences in the importance assigned to the factors, multivariate analyses of variance of the factors were performed for the Never Done/Have Done groups (Referral), for Gender, and for Area of Registration¹². There were no significant multivariate effects for Area of Registration or the Referral by Gender interaction. Although there were no significant multivariate effects for Referral ($p < .16$), univariate tests were significant for Factor 1, needs of the child dimension ($p < .007$) and approached significance for Factor 1 of the child-parent scale ($p < .09$, see Table 11)¹³. For items on Factor 1 of the needs

¹² Other demographic variables were tested (i.e., Highest degree obtained, Area of Degree, Age) but revealed no significant differences at the multivariate or univariate levels.

¹³ The possible effects of Area of Registration as a covariate were tested on group differences for Referral group and Gender using multivariate analysis of variance. Results from these analyses were similar to results reported for group differences without adjustment for the covariate with no changes in multivariate levels of significance. In order to protect against Type I errors, it was decided to impose a univariate significance level of .01. Therefore, even though Factor 1 of the child-parent scale reached a significance level of .04 after the adjustment for covariate effects, this result is not being reported as significant. Instead, it is noted as representing a possible tendency towards a significant difference worthy of further investigation. Since the other results for covariate adjustment were not significant, no further testing for covariate effects of Area of Registration were conducted.

Table 11
 Summary Table for Multivariate Analysis of Variance for Referral
 (Have Done/Never Done Assessment Groups) Differences Using Unit Scores

Source of Variance	Hypoth df	Error df	F	p
Total Factor Structure	9	66	1.52	.16
Parent-parent Factor 1	1	74	0.06	.81
Parent-parent Factor 2	1	74	0.93	.34
Child-parent Factor 1	1	74	2.95	.09
Child-parent Factor 2	1	74	2.59	.11
Qualities of the Parents Factor 1	1	74	0.04	.85
Qualities of the Parents Factor 2	1	74	0.22	.64
Qualities of the Parents Factor 3	1	74	1.25	.27
Needs of the Child Factor 1	1	74	7.65	.007
Needs of the Child Factor 2	1	74	1.91	.17

of the child dimension (Developmental Sensitivity), the mean scores of the Never Done Assessment group were consistently higher than the mean scores of the Have Done Assessment group. This same pattern for group means was repeated for Factor 1 of the child-parent scale (Quality of Child-Parent Relationships). A comparison of the overall rank ordering of the top 30 items by the Never Done and Have Done Assessment groups is provided in Table 12.

A significant main effect was found for Gender differences ($p < .02$, see Table 13). These differences were most pronounced on Factor 2 of the parent-parent scale ($p < .005$). This scale considered items dealing with the level of conflict and physical violence in the parents' relationship, the parents' ability to cooperate on parenting matters, and the extent to which new partners contribute to parenting. Females consistently rated the items on the parent-parent scale as being more important than the ratings given by males although these differences only reach significance on the cooperation/conflict factor. Other factors in which Gender differences approached levels of significance included Factor 2, on the child-parent scale ($p < .07$; Parental Commitment), Factor 3 on the abilities/qualities of the parents dimension ($p < .06$; Parenting Skills), Factor 2 on the needs of the child dimension ($p < .09$; Pragmatic Needs)¹⁴. Univariate tests for gender differences on each factor are reported in Table 13, and a comparison of the overall rank ordering of the top 30 items by gender is reported in Table 14.

Equivalent results were obtained when group differences in the factors were tested using factor score coefficients rather than unit scores in the multivariate analyses¹⁵. Considering that all items on the questionnaire were drawn from the Best

¹⁴ Considering the small sample size and the limited power associated with small samples, and considering the exploratory nature of this research, results which seem to indicate a tendency towards group differences are reported in an attempt to avoid making a Type II error.

¹⁵ Using factor score coefficients in an established factor structure defines the factors as orthogonal while using unit scoring allows for possible correlation of the factors.

Table 12
 Items Rated By the Never Done & Have Done Assessment Groups as Being Most
 Important When Making Child Custody and Access Recommendations:
 Rank Ordered According to Total Sample Means

Best Interests Criteria	Never Done		Have Done	
	Means	S.D.	Means	S.D.
1. Sexual abuse of the child by a parent (CP6*)	6.80	0.72	6.86	0.34
2. Physical abuse of the child by parent (CP2)	6.82	0.45	6.55	0.69
3. Child's views when child is 15 years or older (NC13E)	6.32	0.97	6.05	1.14
4. The emotional needs of the child (NC6)	6.30	0.85	5.92	0.99
5. Each parent's ability to understand their child's needs and separate them from their own needs (AP23)	6.20	0.94	6.00	0.87
6. Parent's ability to provide safe physical environment for child (A6) . .	5.05	1.22	6.05	1.01
7. Overall quality of each parent's relationship with the child (CP11) . .	6.13	0.88	5.87	0.94
8. Child's views when the child is 12 to 14 years old (NC13D)	6.18	0.87	5.76	0.95
9. Physical violence in the parent' relationship (PP5)	6.10	1.06	5.82	0.95
10. Each parent's current alcohol/drug use (AP5)	6.05	0.99	5.63	1.02
11. Each parent's psychological adjustment (AP9)	5.80	1.11	5.67	1.15
12. Each parent's ability to accommodate child's health needs (AP7) . . .	5.52	0.96	5.61	0.98
13. Each parent's affection for the child (CP1)	5.65	1.23	5.42	1.08
14. Parent's willingness to allow child contact with other parent (PP8) . .	5.57	1.34	5.53	1.22
15. Any fears the child has about current family situation (NC8)	5.77	1.19	5.24	1.00
16. The level of conflict between parents (PP7)	5.57	1.17	5.41	0.97
17. The child's affection for each parent (CP10)	5.67	1.05	5.26	1.08
18. Child's views when child is 9 to 11 years old (NC13C)	5.77	1.21	5.13	1.02
19. Physical handicaps or special health needs of child (NC4)	5.67	0.97	5.21	1.04
20. Child's perception of their relationships with family members (NC12)	5.58	0.98	5.13	1.02
21. Child's need to be with "psychological" parent (NC2)	5.59	1.10	5.10	1.50
22. Each parent's feelings of responsibility for the child (CP9)	5.47	1.13	5.13	1.14
23. Each parent's parenting style (discipline practices & beliefs) (AP14) .	5.47	1.20	4.97	1.32
24. Child's need for relationships with brothers & sisters (NC1)	5.44	0.95	5.00	0.99
25. Parents' ability to cooperate on parenting matters (PP1)	5.12	1.30	5.10	1.13
26. Parents' willingness to share parenting resp. after separation (PP4) . .	5.13	1.28	5.03	0.94
27. Child's views when child is 6 to 8 years old (NC13B)	5.40	1.17	4.58	1.03
28. The child's desire to see grandparents and extended family (NC11) . .	4.95	1.06	4.84	0.89
29. Each parent's history of alcohol/drug abuse (AP6)	5.05	1.22	4.71	1.41
30. Each parent's ability to provide access to appropriate education (AP4)	4.50	0.96	4.95	1.39

*Item's number on BICQ; PP= Parent-parent scale; CP= Child-parent scale;
 AP = Abilities/Qualities of the Parents; NC = Needs of the Child

Table 13
 Summary Table for Multivariate Analysis of Variance
 for Gender Differences Using Unit Scores

Source of Variance	Hypoth df	Error df	F	p
Total Factor Structure	9	66	2.40	.02
Parent-parent Factor 1	1	74	1.99	.16
Parent-parent Factor 2	1	74	8.32	.005
Child-parent Factor 1	1	74	0.96	.33
Child-parent Factor 2	1	74	3.27	.07
Qualities of the Parents Factor 1	1	74	0.00	.95
Qualities of the Parents Factor 2	1	74	0.34	.56
Qualities of the Parents Factor 3	1	74	3.76	.06
Needs of the Child Factor 1	1	74	1.88	.17
Needs of the Child Factor 2	1	74	2.98	.09

Table 14
 Items Rated By Gender as Being Most
 Important When Making Child Custody and Access Recommendations:
 Rank Ordered According to Means (N=40)

Best Interests Criteria	Male		Female	
	Means	S.D.	Means	S.D.
1. Sexual abuse of the child by a parent (CP6*)	6.89	0.32	6.75	0.79
2. Physical abuse of the child by parent (CP2)	6.71	0.55	6.67	0.64
3. Child's views when child is 15 years or older (NC13E)	6.02	1.12	6.42	0.94
4. The emotional needs of the child (NC6)	5.96	0.95	6.33	0.89
5. Each parent's ability to understand their child's needs and separate them from their own needs (AP23)	6.00	0.83	6.24	1.00
6. Parent's ability to provide safe physical environment for child (AP21)	5.91	1.04	6.36	0.96
7. Overall quality of each parent's relationship with the child (CP11)	5.91	0.87	6.12	1.02
8. Child's views when the child is 12 to 14 years old (NC13D)	5.98	0.92	5.97	0.98
9. Physical violence in the parent' relationship (PP5)	5.78	0.97	6.21	1.02
10. Each parent's current alcohol/drug use (AP5)	5.60	1.07	6.18	0.85
11. Each parent's psychological adjustment (AP9)	5.60	1.16	5.91	1.07
12. Each parent's ability to accommodate child's health needs (AP7)	5.44	1.03	5.85	0.87
13. Each parent's affection for the child (CP1)	5.36	1.09	5.79	1.22
14. Parent's willingness to allow child contact with other parent (PP8)	5.47	1.12	5.62	1.23
15. Any fears the child has about current family situation (NC8)	5.34	1.13	5.70	1.10
16. The level of conflict between parents (PP7)	5.21	1.06	5.88	0.99
17. The child's affection for each parent (CP10)	5.42	1.05	5.54	1.12
18. Child's views when child is 9 to 11 years old (NC13C)	5.49	1.12	5.42	1.23
19. Physical handicaps or special health needs of child (NC4)	5.40	1.01	5.51	1.06
20. Child's perception of their relationships with family members (NC12)	5.12	1.03	5.67	0.92
21. Child's need to be with "psychological" parent (NC2)	5.08	1.45	5.73	1.04
22. Each parent's feelings of responsibility for the child (CP9)	5.12	1.13	5.51	1.15
23. Each parent's parenting style (discipline practices & beliefs) (AP14)	5.07	1.30	5.45	1.23
24. Child's need for relationships with brothers & sisters (NC1)	5.03	0.94	5.48	1.00
25. Parents' ability to cooperate on parenting matters (PP1)	4.87	1.14	5.45	1.25
26. Parents' willingness to share parenting resp. after separation (PP4)	4.96	1.19	5.24	1.03
27. Child's views when child is 6 to 8 years old (NC13B)	4.96	1.13	5.06	1.23
28. The child's desire to see grandparents and extended family (NC11)	4.69	1.00	5.18	0.88
29. Each parent's history of alcohol/drug abuse (AP6)	4.88	1.32	4.88	1.34
30. Each parent's ability to provide access to appropriate education (AP4)	4.69	1.24	4.76	1.17

*Item's number on BICQ; PP= Parent-parent scale; CP= Child-parent scale;
 AP = Abilities/Qualities of the Parents; NC = Needs of the Child

Interests Criterion, it was possible that the factors were highly correlated thus reducing the amount of variance accounted for and possibly contaminating any possible interpretation. However, since the solution derived from the factor score coefficient analyses so closely parallels that found using unit scoring (see Table 13 and Table 15), it is reasonable to conclude that the unique contribution of each factor to differentiating groups (e.g., Referral, Gender) was the same regardless of the pattern of factor intercorrelations¹⁶. These results also provide further support for the factor structure and for the significance of the Gender differences in rating the importance of the factors.

¹⁶ Pearson product-moment correlations were also compiled for factor structure using both unit scoring and factor score coefficients. The results of the correlational analysis indicate high correlations ($r > .900$) for each of the "matched" factors (e.g. Factor 1, unit scores and Factor 1, factor coefficient scores) demonstrating they are measuring similar dimensions.

Table 15
 Summary Table for Multivariate Analysis of Variance
 for Gender Differences Using Factor Score Coefficients

Source of Variance	Hypoth df	Error df	F	p
Total Factor Structure	9	66	1.52	.16
Parent-parent Factor 1	1	74	2.95	.09
Parent-parent Factor 2	1	74	2.60	.11
Child-parent Factor 1	1	74	0.06	.81
Child-parent Factor 2	1	74	0.93	.34
Qualities of the Parents Factor 1	1	74	0.04	.85
Qualities of the Parents Factor 2	1	74	0.22	.67
Qualities of the Parents Factor 3	1	74	1.25	.27
Needs of the Child Factor 1	1	74	7.65	.007
Needs of the Child Factor 2	1	74	1.91	.17

CHAPTER 1V

DISCUSSION

Overview

This chapter is divided into five main sections. The first section describes the interpretive context for the results of the study. Section two utilizes descriptive data provided by the respondents to create a profile of psychologists who either conduct child custody and access assessments or consider themselves knowledgeable to do so. The third section discusses the Best Interests Criterion within the context of the hypothesized three dimensional model, and makes reference to individual differences on the dimensions and specific criteria. The overall ranking of specific items will also be discussed in this section in terms of how this ranking appears to reflect the respondents current knowledge of empirical research and their ramifications for custody assessment. The fourth section outlines the limitations of this study, and section five discusses the implications of these results on current training practices, assessment practices and future research.

The Interpretive Context

In interpreting and discussing the results of this research, the following major constraint must be kept in mind: the small sample size (N=78) obtained in relation to the number of items (60) found on the BICQ. Although every effort was made to include all registered psychologists in British Columbia who work in the area of child custody and access assessment or who are knowledgeable about this field¹⁷, the number of respondents who completed the entire questionnaire was less than 10% of those contacted¹⁸. This figure appears to be representative of the population of

¹⁷ For further information regarding these efforts see Procedure in the Methods section of this thesis.

¹⁸ In total, 242 responses were obtained but only 78 respondents completed the entire BICQ. The balance of respondents replied that they were not qualified to provide an opinion regarding the relative importance of the best interests criteria.

psychologists in British Columbia who are actively involved or interested in this field. The results of this reveal a relatively small proportion of registered psychologists directly or indirectly involved in child custody and access assessments. However, formal and informal follow-up contacts suggest that a large proportion of qualified psychologists participated in the study. Although the actual response rate of potential respondents was high, the sample size was nevertheless relatively small.

Overall, the results appear to support the hypothesis that the 60 items on the BICQ are tapping a single source known as the Best Interests of the Child Criterion. The analyses also provide evidence that the a priori partitioning of this criteria into three dimensions (i.e., the relational dimension, the needs of the child dimension, and the qualities/abilities of the parents dimension) holds together and allows for a reasonable interpretation of each dimension and their factors. However, the small sample size did not allow for a believable overall principle component analysis of the full 60 items to see if they would reduce into the hypothesized three dimensions. Therefore, although this research provides strong evidence of the internal reliability of each dimension, it is impossible to comment on whether or not the hypothesized dimensions form a stable structure for the criterion as a whole. Despite this constraint, some fascinating and disturbing information was revealed through this research.

Psychologists Who Practice or are Knowledgeable about Child Custody Issues

A review of the literature¹⁹ reveals that very little is known about psychologists who are involved in the custody and access process. In an attempt to shed some light on this mystery, psychologists who responded to the BICQ were asked to provide information about their age, gender, level of education, area of degree, area of registration, and theoretical orientation. In terms of age and gender, they were

¹⁹ For a review of this literature see "Custody and Access Determinations: The Legal Process" and "Psychologists' Understanding of the Best Interests of the Child Criterion" in the Introduction of this thesis.

highly representative of the population of psychologists in British Columbia. There were not significantly more men or women respondents than what one would predict from the overall population and their mean age, 47.3 years, was almost exactly that reported for registered psychologists in British Columbia in 1990 (Jackson et al.)²⁰. The majority of the respondents held Doctoral degrees (73%) in either psychology or education, while the balance possessed Master's level degrees (27%)²¹. It was originally hypothesized that this difference in level of education might affect the way respondents rated the items. However, there were no significant differences in how psychologists with Master's degrees rated the criteria as opposed to psychologists with doctorate degrees. There are three possible explanations for this lack of effect. First, it is possible that a sufficient level of expertise is reached with the Master's degree to enable respondents to rate the importance of best interests criteria in the same way as their more highly educated colleagues. Second, it is also possible that there has been an adjustment in the structure of Master-level programs years. Unlike current standards of practice which require a Doctoral degree for registration, a Master's degree was once considered the norm in preparation for independent practice and it is possible the program of study was structured differently to accomplish this goal. Therefore, a Master's student from such a program may have acquired more relevant knowledge and experience than a Master's student might today. The last explanation involves the interaction of education and experience. In 1980 the CPBC allowed psychologists with Master's degrees to become registered members under a "grandfather" clause. Since that time, all members must possess a Doctoral degree in order to be considered as a registered psychologist. Inasmuch as respondents with Master's degrees have a minimum of 12 years of experience, it is possible that this experience compensates for any differences created by disparate levels of education.

²⁰ See Research Participants in the Methods chapter for exact figures.

²¹ The percentage of Doctorate degrees is higher for this sample than for the population of psychologists in British Columbia. In the total population, 55% hold Doctorate degrees and 43% hold Master's degrees.

The majority of respondents held degrees in clinical or counselling psychology (see Table 1), areas which are perhaps most relevant to the training needed to carry out a custody or access assessment or to feel knowledgeable to do so. Considering the complexity of the issues surrounding child custody and access disputes and the skills needed to conduct an assessment, it is not surprising that most of the psychologists actively engaged in custody assessment are registered clinicians with a background in developmental issues and assessment. However, despite the greater proportion of clinical psychologists conducting custody assessments, area of degree did not influence the way respondents' rated the best interests criteria. This suggests that education in any area of psychology, combined with appropriate experience, lends itself to a professional unanimity in rating the Best Interests of the Child Criterion²². It could, therefore, be argued that a registered psychologists belief about their level of competence is more important than their educational background or area of registration. However, it is somewhat predictable that counselling and clinical psychologists, given their training, might be the most likely to view themselves as being competent to conduct custody assessments.

Along with an examination of the level and area of degree possessed by each respondent, the possible impact of a respondent's area of registration was examined. Even though there were significantly more registered clinical psychologists in the group experienced with custody assessments than in the group with no experience, area of registration did not have a direct effect on the way in which respondents rated the criteria. However, when area of registration was considered as a possible covariate, it became apparent that there was a tendency for inexperienced respondents to rate the items higher than the respondents experienced in custody assessment. Although the overall ratings assigned to the items was higher for the inexperienced group, the actual rank ordering of the items changed only marginally (see Table 14). Therefore the level of experience does not appear to impact on how psychologists

²² This conclusion, however, may be tempered by gender differences in the mean ratings assigned to the criteria.

actually understand the criteria. It is possible that psychologists who are experienced at conducting assessments have lost some of the "moral fervour" still enjoyed by their less experienced colleagues and, as a result, assign a lower average rating to the items. Further research is needed to clarify the impact of level of experience on psychologists understanding of the Best Interests Criterion, and to ascertain if these self-reports of what experienced psychologists say is important to consider when conducting custody assessments aligns with their actual practice.

One of the original hypotheses was that theoretical orientation might affect how a psychologist rated individual criteria. Even though respondents came from such diverse perspectives as cognitive behavioral, psychodynamic, and systems theory, there were no significant differences for theoretical orientation. It appears that no matter what theoretical framework you apply to the criteria, in the final analysis psychologists arrive at the same understanding of their relative importance.

Therefore, although psychologists with different theoretical orientations may gather different data in conducting an assessment, if they consider this data in light of the Best Interests of the Child Criterion, they may arrive at similar recommendations.

It is also possible that psychology, and in particular clinical psychology, is becoming increasingly eclectic in its theoretical outlook. Even though practitioners may identify themselves as being a cognitive therapist, they may also incorporate ideas from other theoretical orientations into their practice. As a result, psychology may be evolving to the point where it will be more similar in daily practice than different. In any case, the results appear to imply that a professional consensus is being reached regarding the relative importance of the best interests criteria. This consensus gives added weight to the significance of standard guidelines of practice such as the one published by the Ontario Psychological Foundation (Kaplan, Landau, McWhinney, 1988). If a professional consensus regarding the relative importance of the criteria were combined with a uniform standard of practice, it is possible that many of the current ethical complaints would be resolved.

Psychologists Who Have Experience Conducting Assessments One of the aims of this study was to discover to what extent psychologists, as a professional

group, are involved in the custody process. This next section focuses on the responses of those psychologists who actively practised or are practising in the child custody area. Information was sought from these psychologists concerning how many custody and access assessment reports they completed per year and the context in which they performed this service. If they had ceased to be active in this area, they were asked to provide their reason for stopping.

To say the least, the numbers are dismaying. Despite the active solicitation of psychologists in British Columbia who are involved in child custody and access assessment, only 38 responses were returned by professionals who had experience in this field. Of this number, only 19 were currently conducting custody assessments. These numbers reflect only those respondents who returned completed questionnaires. Readers are reminded that an additional 164 questionnaires were returned by psychologists who felt they were not qualified to respond. Of these 164, 92 respondents completed the first four demographic questions, the balance did not respond to any questions. Fifty-eight psychologists from this group of 92 respondents possessed degrees in clinical, counselling, or developmental psychology--all areas which in fact have a high degree of correspondence to the type of training this sample believed to be necessary to be competent to conduct custody assessments. Therefore, the issue here may not be strictly one of qualifications but of personal choice. One conclusion which could be drawn is that the vast majority of psychologists are avoiding any involvement in this field. For those who do get involved, there appears to be a high rate of burn-out and eventual abandonment of this work.

Each year in Canada there are over 37,000 divorces involving dependent children (Statistics Canada, 1990), and it has been reported that contested divorce cases may wait as long as two years before being heard (Deed, 1991; McKie et al., 1983). Despite this backlog of cases, the majority of experienced respondents (63%) completed no more than five assessment reports per year, and only 10% reported conducting more than 15 assessments per year. To understand why most psychologists seem unwilling to dedicate their practice to custody work, one need only examine the reasons respondents gave for leaving the field. The majority of the psychologists who

had stopped doing custody assessments reported that the work was either too stressful or too adversarial. Other respondents claimed that the work was no longer interesting, took too much time, and was not personally satisfying.

This stress and lack of personal satisfaction are undoubtedly at the heart of why so many psychologists choose to leave or to not get involved in custody and access assessment. Due to the adversarial nature of the process, the ramifications of custody and access assessment are often framed in terms of "winning" and "losing." In spite of the best intentions of the psychologist, one parent often feels they have "lost" their children. The anger and rage expressed by this parent, sometimes at the psychologist, can be overwhelming. In addition, there is the distress of seeing children suffering tremendous psychological and emotional pain in a situation where the psychologist is not free to work for change as they would in family therapy. Finally, there is usually no follow-up with the assessed family. Any therapeutic involvement on the part of the assessor with members of the family after custody evaluations are completed may invalidate their assessments if the cases are ever relitigated. Aside from knowing that this work needs to be done and that it is in the best interests of the children to attempt to find an arrangement solution which is workable for them, there are no obvious "rewards" for doing this work. There is not even the motivation of a monetary reward as psychologists are rarely fully compensated financially for the time required to complete a full assessment. All things considered, the fact that any psychologists are involved in child custody and access assessment is quite astonishing!

The study also revealed that fewer female than male psychologists have experience conducting custody assessments, and although men and women appear to be deserting this field in approximately the same numbers (see Table 4), this leaves fewer women actively involved. Psychologists, as a professional group, are inclined to view people and situations in a relational context and to mediate conflict. However, the traditional custody process requires that the psychologists essentially remove themselves from their usual therapeutic stance and simply observe, record, and report. Considering the high levels of conflict and the adversarial system in which this conflict is couched, the majority of psychologists find this a stressful, and often unproductive,

environment. This might explain why both male and female psychologists are choosing to leave this field. However, it is important to note that this interaction of personal inclination and situational factors may doubly affect female psychologists, and may have an even greater influence on their decision not to even attempt to undertake child custody assessments.

It is well documented that women are socialized to mediate situations involving high levels of conflict and that they tend to consider situations in a relational context (e.g., Belenky, Clinchy, Goldberger, Tarule, 1986; Gilligan, 1982). Men, on the other hand, are more likely to view the world through a lens coloured more by the notions of individual rights and objective information. In conflicted situations, the "answer" may not be as clear for women as they attempt to find solutions which will serve the interests of all parties involved. This is not to imply that female psychologists are not equally as competent to conduct custody assessments. However, given the adversarial nature of custody work and the antagonistic atmosphere encountered in the courtroom, it is possible that women find this work considerably more stressful than men and are, therefore, more vulnerable to burn-out. Additional research is needed to determine if there is, in fact, a trend towards female psychologists leaving the field of child custody. In light of the increasing evidence to support the importance of relational factors (i.e., parent-parent and child-parent relationships), it would be disheartening to realize that female psychologists, who may have an advantage in discerning the nature of these relationships, might be abandoning this important work.

Everyone completing the BICQ was also asked to state their opinion concerning the role psychologists should assume in the custody and access process. The majority of the sample supported the current role of making recommendations. However, nearly one third of the respondents believed psychologists should restrict themselves to gathering information and leave it to the courts to interpret this data. In contrast to knowledgeable but non-experienced psychologists, those psychologists who have been involved in the custody and access assessment field showed a preference for a role which would place less of a burden on their shoulders. It appears that experience in

negotiating the tangle of issues found in custody assessments leaves psychologists less inclined to take on additional responsibility, and perhaps liability, regarding custody outcomes. On the other hand, psychologists in the Never Done Assessment Group may be somewhat naive about the difficulties and ethical problems often encountered in this work, and therefore may be overly confident in their ability to deal with these situations.

One rather disturbing pattern was revealed by this question. Out of 78 respondents, only one person stated that psychologists should not be involved in child custody and access assessment. However, 76% of these respondents have either never conducted an assessment or have left the field. If these professionals truly believe that psychologists have a part to play in the custody process, why are so few of them fulfilling this role?

It is possible that part of this low involvement arises out of referral practices and the high cost associated with having a custody assessment conducted by a psychologist. Considering the legal fees associated with contested custody cases²³, lawyers may be reluctant to refer clients to psychologists for a custody assessment. Since a psychologist's recommendations may or may not be considered by the judge, many lawyers may be of the opinion that the potential benefits do not justify the expenditure. If the referral process is part of the problem, the psychology profession may need to thoroughly examine the benefits of a custody assessment, and educate their legal counterparts as to what assessment has to offer.

This trend towards low professional involvement in this area is even more disturbing in light of the type of training these respondents believe is necessary to be competent to conduct custody assessments (see Table 3). This training is available almost exclusively to professionals who have or are taking advanced degrees in psychology. This may, of course, be a reflection of this particular sample's professional bias and further research may show that professional groups usually

²³ Costs in excess of \$20,000 are not unusual for a full scale court battle involving a custody determination (Irving & Benjamin, 1987).

consider their own training to be the most relevant and necessary. However, even if this proves to be the case, for this sample of psychologists an interesting paradox has been created. If only those professionals who possess advanced training in relevant areas of psychology are competent to conduct custody assessments, and if those same professionals choose not to be involved in the custody process, then who does that leave doing this work and what are their qualifications? This apparent trend raises serious ethical concerns.

Psychology is more than a "business" or a way to make a living. It has, as a founding principle, a commitment to improving the quality of life. The ethical guidelines and professional standards of this profession give paramount importance to the rights of the client, and make it the responsibility of every psychologist to represent the best interests of those who are unable to speak for themselves. There are few situations in which these interests are of greater concern than those of children caught in the middle of contested custody cases. There are also few situations which have the potential to be as problematic, stressful, and unpleasant for the psychologist as conducting a custody assessments. The reality is that most ethical complaints against psychologists arise from custody and access assessments, and these complaints may result in the psychologist losing their license. Ultimately, it appears that the issue at hand may be personal choice versus professional responsibility. When a theoretically grounded methodology for conducting assessments is achieved, it is possible such highly trained professionals will not be required. However, for the immediate future, there is an obvious need for the participation of more psychologists in this area. The current lack of interest in custody and access assessment raises the question of whose interests are truly being served at this time. Perhaps psychologists are unaware of their professions' low current involvement in the custody field. If lack of awareness coupled with a lack of empirical grounding for this work are at the root of this problem, then the findings of this research may be particularly applicable.

The Best Interests of the Child Criterion: A Three Dimensional Model

Despite the fact that the "Best Interests of the Child Criterion" has become the

standard for deciding custody and access disputes, it lacks a clear theoretical framework and the resulting organizational structure. Case law and various legal statutes have attempted to define the child's best interests by listing the specific criterion which are to be considered²⁴. These definitions, however, lack the simplicity inherent in a theoretical model. Rather than weighing how the parents rate on a few "best interests" dimensions, judges are asked to consider each criteria on its own merits, without guidance as to how the importance of these criteria is to be understood. One of the main objectives of this study was to explore the hypothesis that the Best Interests Criterion could be understood as a three dimensional model consisting of a relational dimension, a qualities/abilities of the parents dimension, and a needs of the child dimension. In essence this model reduces a list of 60 criteria to three dimensions which are further divided into scales, in the case of the relational dimension, and factors. This overall reduction provides a way of thinking about these criteria which greatly simplifies the task at hand.

The Relational Dimension The relational dimension consists of the parent-parent and the child-parent scales. The parent-parent scale comprises those criteria which directly address various aspects of the parental relationship. Analyses of this scale revealed two factors labelled "willingness to share" and "conflict/cooperation"²⁵. One item, the parent's ability to cooperate with each other on parenting matters, loaded onto both factors and may be the key to understanding the parent-parent scale.

Factor one examines the parents ability to work together, both before and during the separation, to develop parenting plans which will allow both of them an active role in the child's upbringing. If parents are able to cooperate and negotiate a shared parenting plan, there is a higher likelihood that the child will be allowed to

²⁴ For a review of the statutes utilized by British Columbia and Ontario see "Best Interests of the Child" Criterion in the Introduction.

²⁵ For a review of specific items which loaded onto each factor, see Table 7 in the Results section of this thesis.

maintain contact with both parents. In addition, parents who are cooperating are less likely to use their children as pawns to gain "revenge" against their spouse.

Therefore, cooperation is the cornerstone upon which shared parenting plans can be built and executed.

Factor 2 focuses on the level of conflict and physical violence within the parent's relationship. Once again, the ability of the parents to cooperate is highly relevant. As the level of cooperation increases, the level of conflict is expected to be reduced. Since level of conflict in the parental relationship is recognized as predictive of post-divorce adjustment for children (Buchanan et al., 1991; Hetherington, 1989; Wallerstein, 1991), this factor gives it the focus it should have within the context of custody and access assessment.

Common sense tells us that parents who are able to cooperate and share parenting responsibilities are less likely to have a highly conflicted relationship. Although this observation may appear to be somewhat trite, it has serious ramifications when considering child custody and access determinations. Recent research has demonstrated that high cooperative communication between parents combined with low discord greatly reduces loyalty conflicts. These loyalty conflicts may have long-term repercussions for post-divorce adjustment in children and adolescents (Buchanan, et al., 1991). There is also considerable evidence that the level of conflict in the parental relationship is directly related to the children's post-divorce adjustment regardless of the age of the child (Amato & Keith, 1991; Johnston & Campbell, 1987; Tschann et al., 1989; Wallerstein, 1991). Cooperation and low levels of conflict between the parents lead to more effective parenting by allowing both parents to be more available, physically and emotionally, for the child. This in turn contributes to the overall post-divorce adjustment and healthy development of the child (Kalter et al., 1989; Zill, 1988). In the past, the issues of parental conflict and cooperation have been considered more as determinants of the nature of the custody arrangement (i.e. sole versus joint custody) rather than for their immediate impact on the children involved. The factor structure within the parent-parent scale delivers these issues to the forefront and insures they will be given the consideration they

deserve.

A review of the overall ranking of the top 30 items by the total sample (see Table 6) reveals that "level of conflict in the parent's relationship" was ranked number 16 while "parent's ability to cooperate on parenting matters" was ranked number 25. On the other hand, "physical violence in the parent's relationship" was ranked number nine. It would appear that the respondents were aware of the possible implications of violent behaviour on an individual's parenting abilities, but were less aware of the complex, and often times more subtle, impact of the parent's level of conflict and ability to cooperate on children's post-divorce adjustment. On the other hand, it is possible that although the respondents were aware of the significance of this item, they were also aware of how difficult it can be to assess inter-parental cooperation and therefore gave it a lower rating. One other explanation is also feasible. Since a great deal of the research on conflict and cooperation has been published within the last two years, these respondents may not have kept abreast of the most recent findings. If this is the case, it provides additional ammunition for the argument that mental health professionals who are involved in this field should be required to meet separate standards of practice and should participate in specially designed seminars at regular intervals (Deed, 1991).

A significant main effect was found for gender differences on the mean ratings of all the items, and these differences were most pronounced on the conflict/cooperation factor of the parent-parent scale. Once again, gender socialization and developmental patterns may be having an effect. The female psychologists consistently rated the items on the relational dimension as being more important than their male colleagues (see Table 14). Since child custody involves the reassigning and reworking of relational roles, and considering the relational context in which most females function, perhaps this heavier weighting of items could have been predicted. Although the selection of the top 30 items remained the same for both males and females, there were some differences in the ordering. For example, females ranked "the level of conflict between the parents" as number 12, while males ranked it number 19; females ranked "physical violence in the parent's relationship" number 7,

while males ranked it number 9. Neither males nor females seemed to feel the parents' ability to cooperate was a paramount consideration as they ranked it number 28 and 24, respectively. In general, females ranked the relational variables higher while men showed a slight preference for items which could be considered more concrete.

The child-parent scale within the relational dimension also reduced to two factors. Factor one focuses on the quality of the child-parent relationship whereas factor two considers each parent's commitment to the child. Since the nature of the parental relationship may impact on how available one or both parents are to the child, it is difficult to separate the two relational scales. However, research indicates that although a cooperative parental relationship promotes healthy post-divorce adjustment in children, the nature of the child-parent relationship, particularly with the custodial parent, may be just as critical (Tschann et al., 1989; Wallerstein, 1991).

Using the overall ranking of the top 30 items as an indicator, it appears that the respondents believe that the quality of the child-parent relationship deserves special consideration. All of the items from this factor are found within the top 30 items. Two of the items, sexual abuse of the child by a parent and physical abuse of the child by a parent, were ranked number one and two. These two items deserve special consideration within the context of custody assessments. In the case of physical abuse, the evidence of abuse is often quite obvious and the course of action regarding custody, recommending the child be awarded to the parent who can provide a safe physical environment, is relatively clear.

The issues surrounding charges of sexual abuse, particularly within the context of custody, are much more complex. Prior to the 1970's, the parent's moral behaviour was the major issue and it was presumed that an adulterous spouse surrendered their right to custody of the children (McCahey, 1987). However, over the past 20 years, social mores and their interpretation in civil law have changed dramatically, and evidence of a parent's sexual "misconduct" no longer stands as grounds for denial of custody unless such behaviour is directly relevant to the individual's parenting capacity (Clark, 1991; McCahey, 1987). More recently, there

has been evidence of a proliferation of sexual abuse charges during custody hearings, and it has been found that during custody and divorce disputes, angry spouses may resort to extreme behaviours in an attempt to win custody or "get even" with their spouse (Kaplan & Kaplan, 1981). Although children do not tend to fabricate allegations of sexual abuse (Haugaard & Repucci, 1987; Klajner-Diamond, Wehrspann, & Steinhauer, 1987), there is some evidence that the factors present in custody situations increase the likelihood of improbable allegations (Benedek & Shetky, 1985; deJong, 1986; Elterman & Ehrenberg, 1991). A fairly substantial data base has been collected which indicates that parents may accuse one another of sexual molestation of their children during custody battles (Benedek & Shetky, 1985; deJong, 1986; Elterman & Ehrenberg, 1991; Kaplan & Kaplan, 1981; Murray, 1987).

As it is often impossible to arrive at any conclusive "truth" regarding sexual abuse, particularly within the context of an acrimonious divorce, there is no obvious course of action. However, the accumulation of evidence regarding the traumatic and far-reaching effects of sexual abuse on child victims (Brown & Finkelhor, 1986; Haugaard & Repucci, 1988) make it an issue which cannot be ignored. As a result, mental health professionals must make recommendations based on uncertainty. If they are incorrect, they may contribute to an innocent parent being deprived of a relationship with their child or a child being returned to a situation where they will be repeatedly victimized (Elterman & Ehrenberg, 1991). In light of the impact of sexual abuse, and the complexities and ethical dilemmas which must be dealt with in reaching recommendations in the context of sexual abuse allegations, it is not surprising that the respondents rated this item as the most important consideration in child custody and access assessments. In addition, it must be remembered that those custody cases which are most problematic (i.e., contain sexual abuse allegations) are the cases which are more likely to be referred to a psychologist for assessment.

The only item dropped from the BICQ during principal component analyses came from the child-parent scale. That item, parental pressure on the child to "choose" one parent, failed to load on either factor. The mean rating for this item across the Never Done and Have Done Assessment groups was 4.45 (S.D. 1.77) and

its overall rank was number 44. Considering the extensive literature regarding the detrimental effects of loyalty conflicts on post-divorce children (Buchanan et al., 1991; Tschann et al., 1989), two conclusions are possible. First, the wording of the item was such that respondents may not have picked up on its intention to reflect parental creation of loyalty conflicts. The second interpretation is that these respondents are not uniformly aware of the serious ramifications for children of intense loyalty conflicts (Buchanan et al., 1991) Further research is needed to clarify this issue.

Summary of the Relational Dimension The relational dimension integrates those criteria formulated in the legal statutes with relevant indicators from empirical research. Its factor structure provides a framework around which the major components of these relationships can be organized. The resulting model of four factors--parent's willingness to share, parental cooperation/conflict, quality of child/parent relationships, and parental commitment to the child--emphasizes those aspects of the parent-parent and the child-parent relationships which tend to have the greatest impact on the overall adjustment and healthy development of children post-divorce.

The Qualities/Abilities of the Parents Dimension Items on the qualities/abilities of the parents dimension were reduced into three factors: (1) stability; (2) parental history; and (3) parenting skills.

The first of these factors, stability, pulls together items which reflect on the parent's ability to provide continuity in the child's life in terms of family, friends, and activities. To insure healthy development, children of all ages require structured, stable, and supportive environments (Ehrenberg, 1991). This factor scrutinizes the amount of upheaval, psychologically, socially, and physically, the child may have to endure if living with one or both parents. The more profound these changes are, the more likely they will impact on the long-term development and adjustment of post-divorce children (Wallerstein, 1985b). The notion of stability has gained prominence in Canada in Ontario's Children's Law Reform Act (1980) and, when it is not explicitly stated in the statutes, may be implicitly recognized by the judiciary when determining custody (Turner & Uhleman, 1991).

As in Lowery's study (1985), respondents to the BICQ de-emphasized the relative importance of each parent's financial sufficiency. Although it would be inappropriate to consider financial sufficiency as a necessary condition for custody, the reality is that divorce is often associated with a loss of income, particularly for mothers who retain custody (Emery et al., 1991; Hernandez, 1988; Richardson, Doerksen, Kennedy-Levesque, Ollerhead, Sherrard & Wood, 1988; Wallerstein, 1991). This economic hardship appears to contribute to poor post-divorce adjustment in children (Amato & Keith, 1991; Sorenson & Goldman, 1990). Each parent's financial sufficiency is usually down-played in custody determinations since any financial hardship that may arise for the custodial parent (in the case of sole custody) is to be redressed by a court order for child support. However, this implies a level of cooperation between the parents which is often absent in custody battles, and the enforcement of child maintenance orders is a slow, arduous process for the custodial parent. Even when child maintenance payments are received, the majority of custodial mothers and a significant number of custodial fathers are still living below the poverty line²⁶. The fact remains that children who reside with their fathers following a divorce are seldom subjected to the same difficulties affiliated with poor financial resources that are experienced by children who live with their mothers (Amato & Keith, 1991; Irving & Berlin, 1987; Lowery, 1985). To deny the realities of financial imbalances in post-divorce families, and the effects of poverty on children, is to turn a blind eye to a serious problem. Although it may not be appropriate to address this issue within the confines of an individual custody assessment, there is a professional

²⁶ One Canadian study (Richardson et al., 1988) found that 58% of mothers who were receiving full maintenance payments and additional income (i.e., from employment or welfare) were still living below the poverty line. (Custodial fathers receiving maintenance fared somewhat better, but 42% of them were also living below the poverty line.) If the maintenance payments were to stop, 77% of custodial mothers would find themselves living in poverty. In contrast, 89% of the non-custodial fathers could afford to pay custody and still live above (in many cases well above) the poverty line. The statistics for the United States are equally as dismal (Emery et al., 1991).

appropriate to address this issue within the confines of an individual custody assessment, there is a professional obligation for those involved in this field to press for judicial reforms in the child maintenance system.

The importance of support systems (i.e., extended family and friends) to post-divorce adjustment has also been documented for both parents and children (Hetherington et al., 1989; Sandler, 1989). The presence of supportive family members and friends can reduce the possibility that a parent may make inappropriate demands on their children, and may assist parents in separating their needs from their children's (Ehrenberg, 1991). On the other hand, children, who often suffer from a fear of being abandoned during a divorce (Wallerstein, 1987), may be reassured by a close relationship with grandparents or with peers (Hetherington, 1989). However, this support can be a double edged sword as family and friends who become over involved in the divorce may begin to take sides and unintentionally prolong the parent's conflict (Ehrenberg, 1991). This in turn exacerbates adjustment difficulties for both the parents and their children (Johnston & Campbell, 1988).

Given the potential impact of these two items, financial sufficiency and support systems, it is curious to note that the BICQ respondents ranked them number 56 and 48 respectively. This raises the question of what influenced the respondents decisions in assigning ratings to these items. Since the 1920's when child maintenance and spousal support was first ordered (Derdeyn, 1973) a "tradition" has developed of downplaying the importance of financial considerations in custody and divorce proceedings. Given what is known about the financial circumstances of most custodial parents, it is doubtful that this "tradition" serves the best interests of the children. On the other hand, in a society which values individualization and "separateness", the tradition of a close extended family and intimate friends is gradually being lost. One tradition has been gained another lost, and what appears equitable on the surface, is revealed as a poor trade. A reevaluation of these "traditions", and an examination of ways to alleviate their effects, particularly within the context of child custody, might serve the best interests of all parties involved. Mental health professionals cannot rewrite the law nor cause massive social change overnight, but they can lend their

The second qualities/abilities of the parents' factor considers the impact of some of the parent's past behaviour on the child's future. Most courts recognize that the personal behaviour of the parents is only to be considered when this behaviour presents a clear danger to the child or a hindrance to the proper care of that child (Clark, 1991; Landau, 1986; Marafiotte, 1987). Therefore, criteria such as sexual orientation or a history of alcohol abuse may or may not be considered relevant depending on the attitudes and beliefs of the psychologist making the recommendation and, more importantly, the judge making the custody determination.

The most pressing item on this factor is undoubtedly a parent's childhood history of physical abuse. The majority of parents with a childhood history of physical abuse do not perpetuate this cycle of abuse (Kaufman & Zigler, 1987; Wolfe, 1987). However, there is evidence that, for these parents, there may be an increased risk for physically abusing their children, particularly during periods of stress (Herrenkohl et al., 1984)²⁷. Although a history of physical and/or sexual abuse certainly does not preclude the ability to provide proper and adequate care for a child, in some cases it may hamper the parent's ability to provide the child with ongoing emotional support and understanding (Bavolek, 1984). In a similar vein, a history of alcohol and/or drug abuse or a history of psychiatric illness prior to separation may have already impacted on the child-parent relationship in such a way as to make it difficult for the child to completely trust that parent. When considered in such a light, the importance of parental history when compiling a custody assessment becomes more apparent.

The final factor on the qualities/abilities of the parents dimension focuses on parenting skills. These skills centre on both practical considerations and more far reaching emotional and psychological considerations. In other words, this factor pulls together items which focus on the child's physical and emotional environments. It is

²⁷ Considering the high levels of stress involved in the dissolution of a marriage and a family, it is possible that the divorce process may trigger physically abusive tendencies into action. Therefore, the significance of this criteria should not be overlooked.

important to examine each parent's particular style of parenting, their understanding of child development, and their ability to distinguish the needs of their children from their own needs. All of these items will impact on the child-parent relationship. However, on a practical level, it is equally as important to consider if a parent can provide a safe physical environment, maintain the child's daily routine, interests and preferred activities, and accommodate health needs. Both components are necessary for healthy post-divorce adjustment.

The overall ranking revealed that respondents rated four items from this factor within the top 11 items. In their opinion, the parent's ability to separate their needs from the needs of the child (No. 5) and to provide the child with a safe physical environment (No. 6) were of paramount importance. It seems somewhat contradictory that a safe physical environment was rated so highly while the parent's childhood history of physical abuse, an item which implicitly addressed the potential for a parent to inflict such harm, was downplayed. However, since physical abuse of the child by a parent was ranked the second most important item on the total scale, it is possible that respondent's are either not aware of the literature regarding the intergenerational transmission of physical abuse or, within the context of custody assessments, only consider it relevant if a parent has physically abused the child or been so accused. Two other items from this factor, each parent's current drug/alcohol use and each parent's current psychological adjustment, were ranked number 10 and 11, respectively. These items perhaps need no explanation other than to state their obvious impact on the parent's ability to function in a parenting role.

Summary of the Qualities/Abilities of the Parents Dimension The factor structure of the qualities/abilities of the parents dimension emphasizes stability, parental history, and parenting skills. Essentially, these three factors must be considered together as the child's stability may be profoundly affected by the parent's ability to function as a parent, and this ability to function may be equally affected by the parent's history of physical and/or sexual abuse, alcohol or drug abuse, and psychiatric illness.

The Needs of the Child Dimension The third dimension in the model, the

needs the of the child dimension, revealed two factors. These factors focus on the developmental sensitivity of various issues considered during a custody assessment and the pragmatic needs of the children.

The core of the first factor centred around the importance assigned to the views and preferences of the child at various developmental stages. Results indicate that the psychologists in this sample believe that the older the child, the more important it is to consider their preferences. There is growing social pressure to acknowledge the rights of children, and this pressure is gradually being reflected in case law (Purdy, 1992). This has led to some controversy as to whether it is actually in the best interests of children to require them to express their preferences (Repucci, 1984). Even though there is evidence that young children may be competent to make important life decisions (Purdy, 1992; Lyman & Roberts, 1985; Watson, 1981; Weithorn & Campbell, 1982), being asked whether they prefer one parent over the other may exacerbate loyalty conflicts thus fostering feelings of guilt and depression in the child (Buchanan et al., 1991; Franklin & Hibbs, 1980). In addition, younger children are more vulnerable to the effects of parental coercion and may fear that, if they do not make the "right" choice they will be abandoned by both parents (Lyman & Roberts, 1985). Therefore, the views and preferences of younger children are often observed indirectly by ascertaining where they appear to be the most comfortable and how they interact with each parent. However, despite this controversy, the views of children over the age of 10 are often considered relevant to custody recommendations and determinations (Repucci, 1984) and the respondents would seem to agree with this perspective.

The overall ranking of items revealed that eight of the ten items found on the developmental sensitivity factor fell within the top 30 items. There are two explanations for the high rating given these items. First, the needs of the child dimension has perhaps the most direct and obvious link to the "best interests of the child" premise on which custody assessment is currently based. Such items as the views and preferences of the child, and the emotional needs of the child are clearly stipulated in legal statutes as issues to be considered in assessing child custody.

Second, given that developmental issues form a core for most training programs in psychology it is not unexpected that items related to this perspective might be rated highly. This training provides a strong theoretical framework for thinking about many of the developmental issues central to post divorce adjustment in children, and there is no doubt that these issues are critical to predicting the response of children to their parents' divorce (Wallerstein, 1985b).

One item on this dimension, the child's need to be with the "psychological" parent, deserves special consideration. In 1973, Goldstein et al. formulated a theory which claimed that children of divorce need one major attachment figure, or "psychological" parent, on whom to rely. This theory had a strong grounding in psychoanalytic theory and was not seriously challenged by the scientific community for several years. For the judiciary, seeking to replace the then tenuous Tender Years Presumption, the concept of a "psychological parent" was the perfect replacement (Lyman & Roberts, 1985). It supported the traditional practice of sole custody and, though it was not meant to singularly promote awarding custody to the mother, the courts often interpreted the notion of emotional attachment and nurturance in this light. Therefore, to a large degree, the courts were able to maintain the previous status quo. However, over the past ten years the concept of "psychological parent", as defined by Goldstein et al., has been seriously criticized for ignoring the child's need for an ongoing relationship with both parents (Lyman & Roberts, 1985). It is now widely accepted that children may have more than one "psychological" parent, and they have different psychological needs which may be met by different adults (Lyman & Roberts, 1985).

The rating given the psychological parent item on this study placed it twenty-first on the overall rankings. If one considers the concept of psychological parent as a whole, it is surprising to find it ranked even this highly. Given that the item relating to the tender years presumption (i.e., keeping a young child and mother together) was ranked number 55, it would appear that the issue of the mother being the "natural" parent is not behind the support for the concept of psychological parent. Since several respondents queried the meaning of "psychological parent" as it appeared on the

BICQ, it is possible that the respondents were not familiar with the exact definition of "psychological parent" and gave it an interpretation more strictly aligned with the parent to whom the child has the strongest attachment.

Factor two of the needs of the child dimension consisted of items describing the more fundamental needs of the child. Just as the emotional and physical needs of the child must be attended to, so must some consideration be given to practical matters such as the child's daily routine, their education, preferred activities, and their desire to see their friends. In terms of overall ranking, these items are ranked as being of lesser importance probably because most children appear to be quite adaptable with the lesser details of their lives if emotional support is provided (Hetherington, 1989). Furthermore, the likelihood of these needs being met is relatively easy to ascertain as compared to determining the more complex relational variables.

Of the three items from this factor which are found within the top 30, two are concerned with the child's need for relationships, particularly with siblings and extended family. This is significant as these relationships not only mediate the effects of divorce but are necessary to insure healthy development (Hetherington, 1989). The third item, physical handicaps or special health needs of the child, is a realistic consideration. A physically handicapped or special needs child creates a different set of challenges for the custodial parent(s) and these special needs, whether they are emotional, physical, and/or financial, must be considered.

Summary of the Needs of the Child Dimension Given that 65% of the items from this dimension were ranked by respondents in the top 30 items, it appears that respondents may identify the needs of the child dimension as being the most relevant in terms of "best interests of the child" concept. Factors within this dimension consider the needs of the child from a developmental perspective and within the context of the basic issues involved in daily life.

Limitations of the Present Study

The present research findings must be interpreted in the context of the following limitations:

1. Since a principal component analysis using all variables from the BICQ was not possible due to limitations of sample size, it is difficult to ascertain which of the three dimensions accounted for the most variance. Therefore it was not possible to determine which of the dimensions might be considered the most important to psychologists conducting child custody and access assessments. Future research with a larger sample size would be able to address this issue of the relative importance of each dimension.

2. On average, each of the three dimensions accounted for approximately 50% of their total variance. In light of the unexplained variance, it is advisable not to overemphasize statistically significant findings (Cohen, 1991). It is possible that a larger sample might increase the power of the analyses thus reducing some of the error variance. However, it is likely that a large proportion of the unexplained variance is directly attributable to the custody assessment process. Each individual custody assessment involves not only weighing the importance of specific considerations relevant to the best interests of the child, but also the unique integration of the assessment findings as they pertain to the idiosyncratic circumstances of the child and family under evaluation. Each practitioner may respond to the criteria in the context of their most recent case or a case which stands out in their experience. One way to control for this variance might be to provide each respondent with a highly detailed "case" which they are to use as a reference when completing the BICQ. However, unless the respondents were in a controlled environment, this would likely affect the response rate as it would greatly increase the time required to complete the questionnaire.

3. Although it appears that the respondents who completed the BICQ are highly representative of registered psychologists in British Columbia in general, it is possible that those psychologists who chose to respond to the survey are different from the population of psychologists who did not respond on dimensions that were not taken

into account on the questionnaire.

4. This study is based on psychologists' understanding of the Best Interests of the Child Criterion under "abnormal" circumstances. Normally, practitioners are endeavouring to weigh and integrate these criteria within a context of severe time constraints and ethical concerns. There is no way of knowing if respondents actually consider the criteria in the same way when they are actually conducting an assessment. Unfortunately, court records rarely provide the details necessary to determine all of the underlying rationale for the custody determination, and client confidentiality prevents a review of records. Therefore, this retrospective and introspective analysis of the criteria must suffice. Furthermore, it is conceivable that what psychologists do in practice is inconsistent with what they think they should be doing, or in this case, what they should be considering as relevant to the Best Interests of the Child Criterion when completing custody evaluations.

Conclusions

This research was developed to expand on the work begun by Dr. Carol Lowery (1985). Therefore, the main purpose of this study was to determine if the Best Interests of the Child Criterion could be understood as a three dimensional model consisting of a relational dimension, a qualities/abilities of the parents dimension, and a needs of the child dimension. Unfortunately, the limited sample size did not allow for a dimensional analysis of the criterion as a whole. However, analyses of the a priori assignment of the items to the hypothesized dimensions does seem to confirm that these dimensions are reliable and provide a framework for considering the Best Interests Criterion.

The three dimensions focus on the issues most central to child custody and access assessment. The relational dimension highlights the importance of the parent-parent and the child-parent relationships, and provides significant indicators (e.g. parent's ability to cooperate, sexual abuse of a child by a parent) for determining the nature of these relationships. The structure found within the qualities/abilities of the parents dimension allows for consideration of three critical aspects of each parent:

(1) each parent's ability to provide a stable relational environment; (2) relevant parental history; and (3) the parenting skills of each parent. Once again significant indicators (e.g., each parent's ability to understand the child's needs separate from their own; the parent's childhood history of physical abuse) emphasize those components which may influence each parent's ability to function in a parenting role. The needs of the child dimension provides a developmentally sensitive and practical method for determining which of the basic needs are most important for the child under consideration. This factor imbues the educational, emotional, physical, and relational needs of the child with a developmental flavour that specifically allows for the consideration of individual differences amongst children.

In conclusion, the three dimensional model clarifies some of the vagueness traditionally associated with the Best Interests of the Child Criterion. Although it still considers the same long list of concerns, it provides a method for understanding and integrating these criteria. It is hoped that future research will provide confirmation of the model and practical applications for teaching mental health professionals how to conduct assessments. Ultimately, the three dimensional model may allow for the development of a consistent and uniform understanding of the Best Interests Criterion. If the professionals involved in this process can agree on what appears to be important in child custody cases, perhaps some of the adversarial elements can be reduced. Any reduction in the trauma associated with child custody cases ultimately serves the best interests of children and their parents during this time of crisis.

Implications for Practice and Research

Implications for Training of Custody Assessment Practitioners Currently a specific program or method for teaching practitioners the ins and outs about custody assessment does not exist. Mental health professionals who work in this field must rely on their general education, clinical training, and their instincts when conducting such assessments. This method of "learning" about custody assessment does not guarantee any consistency in final recommendations, particularly across professional boundaries.

There are several advantages to employing the three dimensional model as an instrument to instruct practitioners in the complexities of custody assessment. First, the model would provide a structure around which university courses or seminars could be constructed to insure adequate coverage of all issues relevant to custody assessment. Second, this structure would insure that all mental health professionals were working from a similar data base when conducting assessments. Although this data base may not alleviate the ethical dilemmas practitioners often face in conducting custody assessments, it would provide a way of integrating the data and clarifying which issues are most relevant in each particular case. Third, the same model could be employed to provide lawyers and judges involved in the litigation of custody cases with a similar, though less indepth, understanding of the psychological underpinnings of the three dimensional model.

In short, by using a theoretical model to teach the various professionals about the psychological aspects of the custody and access process, a uniformity of thought can then be applied to the legal context in which this process occurs.

Implications for Current Custody Assessment Practice If a coherent theoretical methodology could be applied to the instruction of child custody assessment across disciplines (e.g., psychology, social work), then a uniformity of practice could be established which is currently lacking. Furthermore, a format could be developed from the model to insure that professionals who undertake an assessment consider all of the relevant issues, particularly those which research has demonstrated might impact on a child's post-divorce adjustment. This would lead to two significant changes in current assessment practice: (1) a standard of practice could be achieved which is currently lacking in this field; and (2) a language could be established for talking about child custody assessment which could be understood across professional boundaries.

This language is particularly relevant with regards to the interaction of the mental health profession and the judiciary. The antagonism which exists between these two professions undoubtedly contributes to the adversarial nature of the custody process. However, if judges, lawyers, and mental health professionals were working

from a similar understanding of the Best Interests Criterion, it is possible that some of the mistrust might disappear and the two professions could begin to function as a team rather than as opponents.

Implications for Future Research Future research on the three dimensional model could confirm and expand the current results.

The stability of the overall three dimensional structure for the Best Interests of the Child Criterion needs to be confirmed using a larger sample of psychologists. An analysis of this nature might also provide some indication of which of the three dimensions are considered the most important when conducting a child custody assessment. Repeating the study using a different and larger sample of psychologists (e.g., registered psychologists in Ontario) would also provide an opportunity to test the overall three dimensional structure and to confirm the factor structure within the three dimensions.

Further clarification of the relational dimension is required. The potential for a high inter-correlation of these parent-parent and child-parent scales was not considered in constructing the BICQ. However, if these scales were combined a priori, it might provide information on how these two relationships impact on one another. Therefore, the BICQ could be modified to allow for the integration of the parent-parent and the child-parent scales.

To confirm the potential utility of this model, similar studies should be undertaken to examine how lawyers and other mental health professionals understand the Best Interests of the Child Criterion. Such an investigation would yield insight into professional differences which underlie, and perhaps undermine, current custody practices.

To explore the rationale for some of the ratings given, researchers may wish to interview respondents following the administration of the questionnaire. This could be particularly revealing for those items which have empirical support as being relevant to adjustment in post-divorce children, but which are assigned relatively low ratings by respondents.

Finally, the practical utility of the BIC model may be evaluated by comparing

psychologists' responses to the BICQ with recommendations developed in a set of standardized custody and access scenarios. This would help to mobilize the current findings from what psychologists say they consider to what they actually consider in practice.

Final Note

The lack of a coherent theoretical structure for custody and access assessment leaves both the mental health profession and the judiciary drowning in a sea of unknowns. Little is known about how the various professionals involved in the custody and access process understand the Best Interests of the Child Criterion, and even less is known about how they actually apply them. The personal costs involved in participating in a custody assessment, both for the family and the evaluator, can be exorbitant. However, it is this researcher's hope that the introduction of a theoretical model for understanding the Best Interests Criterion will streamline and unify the custody process, thereby reducing some of the distress inflicted on all parties. The three dimensional model of the Best Interests of the Child Criterion may serve as a working model based on clinical consensus and empirical findings. The model may be modified through further research and clinical practice in the spirit of the scientist-practitioner model on which professional psychology itself is based.

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APPENDICES

List of Appendices:

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- APPENDIX B: Best Interests of the Child Questionnaire (BICQ)
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- APPENDIX D: Covering Letter Accompanying BICQ
- APPENDIX E: All Items of BICQ Rank Ordered According to Importance When Making Child Custody and Access Recommendations (N=78)
- APPENDIX F: Correlational Matrices for Best Interests Dimensions

APPENDIX A: Items Used As Custody Criteria by Dr. C.R. Lowery (1985)

1. Quality of the Parent-Child Relationship
2. Parent's Sense of Responsibility to the Child
3. Parent's Mental Stability
4. Parenting Skills
5. Amount of Contact with the Child by Custodial Parent
6. Parent's Affection for the Child
7. Parent's Wishes: (a) When parents agree; (b) When parents disagree
8. Maintaining Sibling Relationships
9. Parent's Moral Character
10. Stable Community Involvement
11. The Child's Wishes
12. Access to Schools
13. Professional Recommendations
14. Relationship with Ex-spouse
15. Amount of Contact with the Child by Non-custodial Parent
16. Parent's Physical Health
17. Parent's Financial Sufficiency
18. Child's Access to Peers
19. Length of Temporary Custody
20. Child's Contact with Other Relatives
21. Biological Parent vs. Stepparent
22. Keeping a Young Child with the Mother
23. Biological Parent vs. Adoptive Parent
24. Keeping the Child with the Same-Sex Parent
25. Availability of a Two-Parent Home

QUESTIONNAIRE: PART I

Custody/access recommendations are made after extensive information has been gathered regarding the parent's relationship (e.g. The parents' ability to cooperate), the child-parent relationships (e.g. Each parent's affection for the child), the needs of the child(ren) involved (e.g. The academic needs of the child), and the abilities of either or both parents to meet those needs (e.g. Each parent's ability to keep siblings together). Please read the following items and **rate them according to which of the two statements (one on the left and one on the right) you believe to be more important when making a custody/access recommendation.** The rating scale is as follows:

-3	-2	-1	0	+1	+2	+3
Strong Preference Statement On Left	Moderate Preference Statement On Left	Slight Preference Statement On Left	No Preference	Slight Preference Statement On Right	Moderate Preference Statement On Right	Strong Preference Statement On Right

For example:

(Statement on Left)		(Statement on Right)
Needs of the Grandparents	_____	Needs of Aunts and Uncles

If you have a strong preference for "needs of the grandparents" over "needs of aunts and uncles", you would write "-3" in the space provided.

Needs of the Grandparents	_____	Needs of Aunts and Uncles
---------------------------	-------	---------------------------

Select the number which best represents your belief regarding which of the two statements is more important when making a custody/access recommendation and write it in the blank provided (Please remember the plus/minus sign!). If you believe the items are equally important, choose "0".

- | | | |
|---|-------|--|
| 1. Parent-parent Relationship | _____ | Child-parent Relationship |
| 2. Parent-parent Relationship | _____ | Needs of the Child |
| 3. Parent-parent Relationship | _____ | Abilities of Parents to Meet Child's Needs |
| 4. Child-parent Relationship | _____ | Needs of the Child |
| 5. Child-parent Relationship | _____ | Abilities of Parents to Meet Child's Needs |
| 6. Needs of the Child | _____ | Abilities of Parents to Meet Child's Needs |
| 7. Overall Quality of All Relationships | _____ | Needs of the Child |
| 8. Overall Quality of All Relationships | _____ | Abilities of Parents to Meet Child's Needs |

QUESTIONNAIRE: PART II

Throughout Part II of the questionnaire please read each statement carefully and then **rate it according to how important it is to you when making custody and/or access recommendations.** Beside each statement you will find boxes which correspond with a 7 point numerical scale. This numerical scale corresponds to the following ratings:

- 1 = Irrelevant (Should Not be Considered)
- 2 = Not Important
- 3 = Marginally Important
- 4 = Important
- 5 = Very Important
- 6 = Extremely Important
- 7 = Essential

After reading each item, check off the box which best represents your belief regarding the importance of that item. For example:

Each parent's ability to keep siblings together.

If you believe it is extremely important to keep siblings together, you might mark the scale this way:

Each parent's ability to keep siblings together 1 2 3 4 5 6 7

Please do not skip any items.

QUESTIONNAIRE: PART II

A. Parent-Parent Relationship: This section of the questionnaire deals with various aspects of the parents' relationship (e.g. Parents' ability to agree on child's schooling). Please read each statement carefully and then rate it according to how important it is to you when making custody and/or access recommendations. **Check off the box which best represents your belief regarding the importance of that item.** Please do not skip any items.

1	2	3	4	5	6	7
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Irrelevant	Not Important	Marginally Important	Important	Very Important	Extremely Important	Essential

	1	2	3	4	5	6	7
1. Parents' ability to cooperate with each other on parenting matters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Extent to which parents' new partners may contribute to parenting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Parents' history of sharing* parenting responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Parents' willingness to share* parenting responsibilities after separation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Physical violence in the parents' relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Each parent's preferences for possible shared* parenting plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. The level of conflict between the parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Each parent's willingness to allow the child to maintain contact with the other parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. The extent to which each parent is responsible for the marriage breaking down	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

----- End of Section A -----

B. Child-Parent Relationship: This part of the questionnaire deals with various aspects of the child-parent relationships (e.g. Number of activities shared by child with each parent). Please read each statement carefully and then rate it according to how important it is to you when making custody and/or access recommendations. **Check off the box which best represents your belief regarding the importance of that item.** Please do not skip any items.

1	2	3	4	5	6	7
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Irrelevant	Not Important	Marginally Important	Important	Very Important	Extremely Important	Essential

	1	2	3	4	5	6	7
1. Each parent's affection for the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Physical abuse of the child by a parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Keeping a parent and child of the same sex together	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Extent of parent/child contact before the separation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Extent of parent/child contact during the separation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Sexual abuse of the child by a parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Keeping a young child and the mother together	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Parental pressure on the child to "choose" one parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Each parent's feelings of responsibility for the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. The child's affection for each parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Overall quality of each parent's relationship with the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

----- End of Section B -----

****PLEASE NOTE:** In this questionnaire "shared parenting" does not assume any particular form of legal custody or access arrangement but refers literally to "sharing the parenting" in some way.

C. Abilities/Qualities of the Parents: This section of the questionnaire deals with the various abilities/qualities of the parents that may impact on their ability to meet the needs of the child (e.g. The overall physical health and physical mobility of each parent). Please read each statement carefully and then rate it according to how important it is to you when making custody and/or access recommendations. Check off the box which best represents your belief regarding the importance of that item. Please do not skip any items.

	1	2	3	4	5	6	7
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Irrelevant	Not Important	Marginally Important	Important	Very Important	Extremely Important	Essential
1. Each parent's understanding of child development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Each parent's capacity to contribute to the child's moral development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. A parent's childhood history of sexual abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Each parent's ability to provide access to an appropriate education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Each parent's current alcohol/drug use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. A parent's history of alcohol/drug abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Each parent's ability to accommodate the child's health needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Each parent's willingness to provide contact with extended family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Each parent's psychological adjustment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Each parent's sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Each parent's ability to provide a "family" environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Each parent's financial sufficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Each parent's access to support from family and friends	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Each parent's parenting style including discipline practices and beliefs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. A parent's psychiatric history	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Each parent's ability to maintain the child's daily routine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Each parent's religious orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. A parent's childhood history of physical abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Each parent's ability to provide the child with access to stable community involvement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Each parent's ability to maintain and encourage the child's interests and preferred activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Each parent's ability to provide a safe physical environment for the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Each parent's ability to provide access to other children of the same age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Each parent's ability to understand their child's needs and separate them from their own needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

----- End of Section C -----

D. Needs of the Child: This section of the questionnaire deals with the needs of the child which may be investigated when making recommendations for custody and/or access (e.g. The child's attachment to a family pet). Please read each statement carefully and then rate it according to how important it is to you when making custody and/or access recommendations. **Check off the box which best represents your belief regarding the importance of that item.** Please do not skip any items.

1	2	3	4	5	6	7
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Irrelevant	Not Important	Marginally Important	Important	Very Important	Extremely Important	Essential

	1	2	3	4	5	6	7
1. Child's need for relationships with brothers and sisters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Child's need to be with the "psychological" parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The intellectual needs of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Physical handicaps or special health needs of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The child's daily routine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. The emotional needs of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. The child's interests and preferred activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Any fears the child has about the current family situation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. The child's desire to see their friends	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. The academic needs of the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. The child's desire to see grandparents and extended family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. The child's perception of their relationships and involvement with family members	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. The child's views and preferences regarding contact with each parent and possible custody/access arrangements:							
(a) when the child is 0 to 5 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) when the child is 6 to 8 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) when the child is 9 to 11 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) when the child is 12 to 14 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) when the child is 15 years old or older	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

----- End of Section D -----

E. Others: This section of the questionnaire deals with any other items not already included which may be important to you when making custody and/or access arrangements. **Please write the item in the space(s) provided.** Check off the box which best represents your belief regarding the importance of that item.

1	2	3	4	5	6	7
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Irrelevant	Not Important	Marginally Important	Important	Very Important	Extremely Important	Essential

	1	2	3	4	5	6	7
1. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

YOUR PARTICIPATION IN THIS STUDY IS GREATLY APPRECIATED. PLEASE RETURN THE QUESTIONNAIRE IN THE POSTAGE-PAID, ADDRESSED ENVELOPE PROVIDED. THANK YOU.

APPENDIX C: Notice Appearing in CPBC's "Footnotes"

Child Custody and Access Research at U. Vic:

A Call for Participants

(Volume 3, Issue 7, August 1992)

Various aspects of divorce and shared parenting are currently under investigation by a team of researchers in the Psychology Department at the University of Victoria. One of these researchers, Barbara Jameson is a graduate student and recent winner of the College's Gold Medal Award for achievements in undergraduate studies. Her research focuses on child custody assessments.

Enclosed with this issue of Footnotes is a questionnaire aimed at gathering information of psychologists' understanding of "children's best interests" when developing recommendations for child custody and access determinations. By including this questionnaire with this issue, all Registered Psychologists in B.C. will be reached and, hopefully, the opinions of a wide cross-section of psychologists can be surveyed to increase knowledge in this important but under-researched area.

Ms. Jameson would be pleased to receive any input from C.P.B.C. members, and interested participants are urged to submit additional questions or comments along with their completed questionnaire. Detailed feedback on the results will be provided, and information about related research projects is available upon request.

APPENDIX D: Covering Letter Accompanying BICQ

August 20, 1991

Dear Psychologist:

**RE: Research Project - Toward Understanding Psychologists' Recommendations
for Child Custody/Access Recommendations**

Psychologists are increasingly involved in evaluating divorcing families and developing recommendations for children's custody and access recommendations. There is general agreement in the psychological literature that custody/access recommendations should be based on careful evaluations of the family with a focus on the best interests of the children. However, there is a great deal of disagreement about what constitutes "the best interests of the child" with very little research to offer guidance. Ethical and professional concerns related to psychologists' involvement in child custody and access assessments have been reflected in the attention paid to this topic by provincial and national psychological associations.

I am conducting a research study which focuses on psychologists' understanding of the children's best interests when developing recommendations for child custody and access determinations. This project aims to provide some clarification about what factors psychologists may consider in making custody and access recommendations. The assessment process used to gather information about such considerations is not being addressed in this particular study. This research project is being conducted under the supervision of Dr. Marion Ehrenberg and is in partial fulfilment of a Master of Arts degree in the Clinical-Lifespan program of the Department of Psychology at the University of Victoria. Approval to conduct this study was granted by the university's "Committee on Research and Other Activities Involving Human Subjects."

The enclosed survey is being mailed to all registered members of the College of Psychologists of British Columbia. Participation in this study involves completing the enclosed questionnaire and mailing it in the postage-paid return envelope provided. The questionnaire will take approximately 20 to 30 minutes to complete. The questionnaire contains no reference to your name, and care will be taken to present results free of identifying information. The information gathered from the survey will be treated in a confidential manner and used for research purposes only. Feedback about the results of this study will be disseminated through the C.P.B.C. Footnotes as soon as the research has been completed. You may receive more comprehensive feedback by contacting me at the above address. The receipt of your completed questionnaire will be understood as your consent to participate in this study. If you are interested in participating in an additional brief telephone survey consisting of 4 open-ended questions regarding psychologists' involvement in making child custody/access recommendations, please enclose your name and phone number on a separate sheet of paper with the questionnaire.

If you are unable to complete the questionnaire due to lack of correspondence with your area of practice, it would be greatly appreciated if you could return the questionnaire with a short note and relevant demographic data only. This would help me to assess more accurately the generalizability of my results.

If you have any questions or comments about this study, please feel free to contact me at 385-4306 (in Victoria). If possible, please mail the completed questionnaire by September 30, 1992. Your time and help is greatly appreciated. I sincerely hope that the findings from this research project will be informative to your clinical practice!

Sincerely,

Barbara J. Jameson, B.A. (Hons.)
Graduate Student in Clinical-Lifespan Psychology

Marion F. Ehrenberg, Ph.D., R.Psych.
Supervising Psychologist & Assistant Professor

APPENDIX E: All Items of BICQ Rank Ordered According To Importance
When Making Child Custody and Access Recommendations
(N=78)

	Means	S.D.
1. Sexual abuse of the child by a parent	6.83	0.57
2. Physical abuse of the child by parent	6.69	0.59
3. Child's views/preferences when child is 15 years or older	6.19	1.06
4. The emotional needs of the child	6.11	0.94
5. Each parent's ability to understand their child's needs and separate them from their own needs	6.10	0.91
6. Each parent's ability to provide safe physical environment for child . .	6.10	1.03
7. Overall quality of each parent's relationship with the child	6.00	0.94
8. Child's views/preferences when the child is 12 to 14 years old	5.97	0.94
9. Physical violence in the parent' relationship	5.96	1.01
10. Each parent's current alcohol/drug use	5.85	1.02
11. Each parent's psychological adjustment	5.73	1.12
12. Each parent's ability to accommodate child's health needs	5.61	0.98
13. Each parent's affection for the child	5.54	1.16
14. Each parent's willingness to allow child contact with other parent . . .	5.53	1.22
15. Any fears the child has about current family situation	5.51	1.12
16. The level of conflict between parents	5.50	1.08
17. The child's affection for each parent	5.47	1.08
18. Child's views/preferences when child is 9 to 11 years old	5.46	1.16
19. Physical handicaps or special health needs of child	5.45	1.03
20. Child's perception of their relationships with other family members . .	5.36	1.02
21. Child's need to be with "psychological" parent	5.35	1.32
22. Each parent's feelings of responsibility for the child	5.31	1.14
23. Each parent's parenting style including discipline practices & beliefs .	5.23	1.28
24. Child's need for relationships with brothers & sisters	5.22	0.99
25. Parents' ability to cooperate with each other on parenting matters . . .	5.15	1.22
26. Willingness to share parenting responsibility after separation	5.08	1.12
27. Child's views/preferences when child is 6 to 8 years old	5.00	1.17
28. The child's desire to see grandparents and extended family	4.90	0.97
29. Each parent's history of alcohol/drug abuse	4.88	1.31
30. Each parent's ability to provide access to appropriate education	4.72	1.20
31. The intellectual needs of the child	4.67	0.93
32. Each parent's ability to maintain child's daily routine	4.63	1.16
33. Extent of parent/child contact before separation	4.63	1.14
34. The academic needs of the child	4.61	0.96
35. Extent to which parents' new partners may contribute to parenting . . .	4.60	0.99

36. Each parents's ability to maintain and encourage the child's interests and activities	4.60	1.01
37. A parent's psychiatric history	4.60	1.30
38. Each parent's capacity to contribute to child's moral development . . .	4.55	1.01
39. Each parent's willingness to provide contact with extended family . . .	4.55	1.05
40. The child's interests and preferred activities	4.50	0.85
41. Parents' history of sharing parenting responsibilities	4.48	1.18
42. The child's desire to see their friends	4.47	1.04
43. A parent's childhood history of sexual abuse	4.45	1.67
44. Parental pressure on the child to "choose" one parent	4.44	1.76
45. Each parent's preferences for possible shared parenting plans	4.42	1.05
46. The child's daily routine	4.42	1.10
47. Child's views/preferences when child is 0 to 5 years old	4.40	1.33
48. Each parent's access to support from family & friends	4.34	1.04
49. Each parent's ability to provide access to other children of same age .	4.32	0.90
50. Extent of parent/child contact during separation	4.25	1.27
51. Each parent's ability to provide the child with access to stable community involvement	4.23	1.02
52. Each parent's ability to provide a "family" environment	4.17	1.30
53. Each parent's understanding of child development	4.06	0.94
54. A parent's childhood history of physical abuse	3.97	1.50
55. Keeping a young child and mother together	3.73	1.36
56. Each parent's financial sufficiency	3.61	0.96
57. Each parent's sexual orientation	2.88	1.29
58. Extent to which each parent is responsible for the marriage breaking down	2.61	1.24
59. Keeping a parent and child of the same sex together	2.50	0.96
60. Each parent's religious orientation	2.23	0.98

APPENDIX F: CORRELATIONAL MATRICES FOR BEST INTERESTS DIMENSIONS

Table F1
 Correlational Matrix
 for Relational Dimension: Parent-Parent Relationship Scale

	PP1	PP2	PP3	PP4	PP5	PP6	PP7	PP8	PP9
PP2	.23								
PP3	.45	.28							
PP4	.37	.20	.62						
PP5	.18	.20	.26	.00					
PP6	.22	.22	.36	.46	.16				
PP7	.47	.26	.28	.18	.46	.23			
PP8	.42	-.00	.41	.49	.27	.40	.45		
PP9	.14	-.03	.31	.33	.15	.10	.22	.34	

Table F2
 Correlational Matrix
 for Relational Dimension: Child-Parent Relationship Scale

	CP1	CP2	CP3	CP4	CP5	CP6	CP7	CP8	CP9	CP10	CP11
CP1											
CP2	.31										
CP3	.08	.04									
CP4	.16	.17	.24								
CP5	.06	-.02	.06	.60							
CP6	.17	.37	.08	-.02	-.09						
CP7	-.06	.00	.40	.27	.13	.03					
CP8	.02	.14	-.04	.19	.18	-.05	.01				
CP9	.36	.32	.15	.44	.22	.05	.19	.29			
CP10	.43	.09	.04	.17	.11	.14	-.00	.29	.36		
CP11	.56	.15	.08	.21	-.00	.14	.02	.09	.35	.55	

Table F3
 Correlational Matrix
 for the Qualities/Abilities of the Parents Dimension

	AP1	AP2	AP3	AP4	AP5	AP6	AP7	AP8	AP9	AP10	AP11	AP12	AP13	AP14	AP15	AP16	AP17	AP18	AP19	AP20	AP21	AP22	AP23	
AP1																								
AP2	.49																							
AP3	.24	.22																						
AP4	.29	.19	.41																					
AP5	.28	.34	.20	.15																				
AP6	.21	.28	.48	.31	.30																			
AP7	.24	.21	.08	.43	.22	.05																		
AP8	.04	.08	.12	.31	.00	.12	.38																	
AP9	.21	.33	.09	.17	.31	.22	.35	.25																
AP10	-.01	.07	.21	.28	-.02	.39	.16	.31	.21															
AP11	.25	.22	.39	.38	.15	.30	.30	.58	.44	.49														
AP12	.06	-.04	-.02	.31	.04	.17	.25	.22	.25	.24	.36													
AP13	.20	.20	.08	.39	.19	.38	.36	.29	.35	.27	.40	.60												
AP14	.17	.13	-.14	.11	.26	.12	.42	.14	.45	.03	.08	.16	.41											
AP15	.27	.06	.24	.27	.26	.38	.28	.25	.30	.39	.42	.21	.29	.15										
AP16	.35	.23	-.03	.34	.12	.05	.46	.40	.47	.12	.42	.35	.39	.28	.29									
AP17	.05	.09	.34	.14	-.09	.13	.11	.30	.11	.39	.41	.13	.25	-.02	.14	.18								
AP18	.21	.12	.70	.43	.09	.51	.10	.10	.28	.37	.36	.10	.29	-.01	.43	.06	.21							
AP19	.22	.06	.18	.45	.12	.29	.38	.40	.35	.41	.48	.47	.59	.28	.23	.46	.28	.23						
AP20	.26	.23	.13	.31	.27	.25	.40	.19	.46	.16	.28	.32	.57	.49	.14	.32	.13	.22	.61					
AP21	.19	.31	.20	.29	.35	.13	.61	.21	.29	.01	.23	.20	.33	.54	.17	.30	.07	.14	.15	.40				
AP22	.30	.32	.11	.43	.02	.21	.39	.32	.33	.27	.43	.53	.61	.21	.08	.48	.29	.20	.57	.51	.28			
AP23	.33	.34	.07	.21	.42	.15	.50	.26	.50	.07	.24	.17	.38	.55	.21	.35	-.05	.21	.32	.47	.54	.41		

Table F4
Correlational Matrix*
for the Needs of the Child Dimension

	NC1	NC2	NC3	NC4	NC5	NC6	NC7	NC8	NC9	NC10	NC11	NC12	NC13	NC14	NC15	NC16	NC17
NC1																	
NC2	.50																
NC3	.36	.26															
NC4	.51	.29	.46														
NC5	.33	.25	.40	.49													
NC6	.51	.49	.50	.70	.42												
NC7	.30	.37	.44	.29	.43	.37											
NC8	.33	.37	.08	.31	.17	.36	.35										
NC9	.37	.27	.37	.32	.42	.36	.67	.37									
NC10	.29	.21	.72	.42	.60	.50	.65	.18	.60								
NC11	.49	.39	.38	.60	.46	.38	.46	.31	.60	.49							
NC12	.46	.59	.40	.47	.18	.51	.49	.49	.41	.40	.53						
NC13	.40	.41	.27	.37	.16	.35	.55	.34	.50	.38	.31	.56					
NC14	.37	.38	.20	.38	.17	.40	.59	.44	.51	.37	.28	.64	.85				
NC15	.35	.43	.19	.31	.21	.37	.56	.39	.45	.30	.35	.55	.67	.86			
NC16	.27	.39	.13	.30	.26	.38	.36	.32	.27	.23	.24	.42	.42	.65	.84		
NC17	.10	.25	.13	.23	.21	.29	.14	.17	.14	.19	.22	.31	.14	.31	.43	.72	

*All correlations are positive

VITA

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Given Names: Barbara Jean

Place of Birth: Lethbridge, Alberta

Date of Birth: 12 May, 1954

Educational Institutions Attended:

University of Victoria	1988 to 1992
University of Saskatchewan	1975 to 1976
Red Deer College	1974
University of Alberta	1973 to 1974
University of Lethbridge	1972 to 1973

Degrees Awarded:

B.A. (Honours) (First Class) University of Victoria	1990
B.A. (Cum Laude) University of Saskatchewan	1976

Honours and Awards:

University of Victoria Fellowship	1990 to 1992
Geddes Scholarship University of Victoria	1990
Gold Medal, College of Psychologists of British Columbia	1990
President's Part-Time Student Scholarship University of Victoria	1989

Publications:

May, Richard, B., Hunter, Michael, A., & Jameson, Barbara J. (1990). Study computation guide for application of statistics in behavioral research. New York: Harper & Row.

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Title of Thesis: Psychologists' Understanding of the Best Interests of the Child Criterion

Author:



Barbara Jean Jameson

January 19, 1993