

ORIGINAL ARTICLE

Are child custody evaluations beneficial to family law judges? A study from the judicial perspective

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Abstract

There is a long history of dissension among legal and mental health professionals about the value of child custody evaluations. Despite frequent use by the courts, the lack of adequate empirical research impedes the ability to validate the efficacy of child custody evaluations. This study investigated the overall value of court-ordered child custody evaluations by surveying a diverse, national sample of judges to gather data regarding the usefulness, and validity of child custody evaluations. Two hundred and sixty-eight judges from 42 states completed an anonymous survey. The results indicated that judges find information voiced by the child in question, data obtained from the parent-child observations, and collateral data obtained about the litigants as most useful. Survey findings suggested judges perceived there to be a shortage of trained evaluators and also consider child custody evaluations too expensive and too time-consuming. Overall, judges find child custody evaluations useful and clearly desire experts to include recommendations on legal custody and parenting time schedules in their reports.

KEYWORDS

child custody evaluations, custody recommendations, family law, judges, judicial perspectives, mental health professionals

Key points for the family court community

- Survey results indicated that judges find information voiced by the child in question, data obtained from the

parent-child observations, and collateral data obtained about the litigants as the most useful elements of child custody evaluations.

- Judges perceived there to be a shortage of trained child custody evaluators and also considered child custody evaluations too expensive and too time-consuming.
- Judges concluded that child custody evaluations are useful and clearly desire experts to include recommendations on legal custody and parenting time schedules in their reports.
- Most judges reported they would exclude a child custody evaluation or parts of it if convincing evidence were presented that the evaluator did not meet legal standards or ethical guidelines, even though most had never done so.
- Evaluators should reexamine the focus of child custody evaluations to present more child-centered reports to the court based on the data obtained in this study that judges want to know more about the child or children in question.

AUTHOR BIOGRAPHIES



Dr. Tammi Axelson is a Licensed Master Social Worker with Independent Practice Recognition in the State of Texas. She completed her Doctorate of Social Work at Tulane University in December of 2022, in which her research area was focused on child custody evaluations. Her practice consists of child custody evaluations, adoption evaluations, parenting facilitation, expert testimony, work product reviews, and consulting services to family law attorneys. She also owns and operates a court-ordered supervised visitation business. In the past 17 years, Dr. Axelson has conducted over 150 child custody evaluations and primarily works in rural areas of East Texas.



Dr. Jennifer Gentile is a Licensed Clinical Social Worker in the state of Illinois. She completed her Doctorate in Social Work at Tulane University in December of 2022. She is currently the Deputy Director of Clinical Services in the Division of Developmental Disabilities and is an adjunct professor at Fordham University. Prior to working in state government, Dr. Gentile worked in non-profit administration for 15 years, and she has a background working in the child welfare system in the Chicago area.