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A Call for Humility in a Small World

Anita Trubitt, LCSW, MSW, MEd, RPT, Kailua, Hawaii

For more than 25 years, my most important professional affiliations have been with AFCC and APT (Association for Play Therapy). The latter has guided my work as a clinician; the former as a court-appointed custody evaluator, GAL or parenting counselor. When I was asked by a divorce attorney to undertake my first custody evaluation many years ago, the then recently-published *Solomon's Sword* (Schutz, et al, 1989), and still a fine example today, was my first "bible". Shortly after that, I discovered and joined AFCC. I have presented several times at conferences of both organizations. AFCC's journal has been my primary resource in clinical and forensic work, as most of the children I see in therapy live in two homes and have parents who are in litigation over their custody.

As a child and family therapist in private practice for more than 30 years, the observation of children and their parents in the playroom, in spontaneous and structured activity, is an important part of my on-going assessment of the family. Equally important is the obtaining of a detailed family history, learning about parents' expectations and discipline styles, communicating with children's teachers about how they are doing in school, inviting children to draw themselves and then their family, observing the themes and patterns in their spontaneous play with doll house, art materials, and in the sand tray. All of these contribute to my understanding of the child, and guide my on-going treatment as a clinician.

My first court-ordered appointment to conduct a child custody evaluation was in 1987, years before the AFCC published its 2005 *Model Standards of Practice for Child Custody Evaluation*. With no restriction on its inclusion, it seemed a natural evolution to incorporate some play therapy activities into the comprehensive protocol described by Schutz, et al. Their book, in fact, lays out several play tasks for parents and children as part of their evaluation. The field was newer then and we were all looking for relevant and responsible ways of obtaining information about the child that would help us in the daunting task of determining their best interests. I have had collegial exchanges with others at AFCC who have asked how it is possible to evaluate young children without including the observation of their play. Several have shared that they incorporated projective play as part of their assessments. I would venture a guess that this is still true for many clinicians who perform child custody evaluations.

When I wrote my self-published book, *Play Therapy Goes to Court* (2004), AFCC published a brief description in the *AFCC NEWS*. David Martindale, William Austin and Lorraine Martin, leadership of the task force that was then in the process of writing the

AFCC Model Standards, wrote a critical response. At the same time, several other AFCC members who read their critique wrote to me with their questions about how a clinician might incorporate play and projective material in their forensic work, and said there needs to be dialog about this.

While I appreciate and respect AFCC, it should be also understood that the Model Standards, for which Dr. Martindale served as Reporter, have not been adopted by all, including many of the judges in our family court. There are likely many clinicians, some perhaps long-time members of AFCC, who still rely on play therapy modalities to first engage the child in a more natural circumstance, then observe their play behavior, make tentative inferences about it, and note if it is consistent with other pieces of the evaluation. By “play behavior”, I include the observation of projective play activities of the individual child, and structured play activities that include parent and child. What we are looking for in such inclusion is redundancy and consistency in all the data we have gathered in the course of the evaluation.

Here are what other experts have to say about what children’s play can tell us:

Schutz et al, (1989): “The direct observation of interaction between parents and children provides some of the most important data we obtain in our evaluation process. It is also the method that has received the least research attention...The structured observational format consists of five discrete segments, each with its own task: (1) free play, (2) teaching tasks, (3) cooperation task, (4) problem-solving task and (5) clean up.”

Garbarino, (1992, p. 169): “The information children give us through their play and stories has to be interpreted in light of their developmental status, their current life situation, and their history. In other words, children must be viewed within the context of their total life experience. The onus is on the adults to make intelligent and sensitive use of what children tell them through their play and stories. And the adults must depend on their knowledge and skill to use that information wisely.”

Stahl, (1994, p.70): “It is quite rare that a child will simply come into my office and talk about the issues in his life without engaging in an activity at the same time. These activities can be symbolic or non-symbolic, but in each instance they allow the child to feel more comfortable with the evaluation and express himself in some way...I find the use of two dollhouses often stimulates play that is connected with the sharing of two households for the child...These and other play experiences give some clues as to the quality of the relationship between a child and parent...We can ask children to draw a family doing something, which may represent their family experiences. This provides an understanding not only of the child’s place within the family, but also of the way that he perceives the relationship between each of his parents.”

Gitlin-Weiner, Sandgrund, and Schaefer, (2000, pp.8,9): “Despite the difficulties inherent in the use of play assessment techniques, they present much that cannot be acquired from formal testing techniques. Although play assessment can be used by itself, more typically it is used to support, complement, contradict, or elaborate the information obtained through other means and sources. In general, the greater the consistency of information from multiple sources, the greater the confidence in the

conclusions drawn from the data. Multiple sources of information safeguard against over-statements or over-exclusions in deductions drawn from a limited sample of behavior as observed in the laboratory play assessment.”

In his more recent book (Stahl, 2011, p106), he explains that his earlier views on using play therapy techniques have changed, and that while he believes “it is possible to use play as a means of gaining rapport and helping reduce the child’s anxiety, I have come to believe that there is tremendous risk in relying on children’s play as a means of gathering accurate family data.” In his chapter on interviewing children, Stahl raises many important considerations and strategies for gathering information from a school-age child, but these do not sufficiently differentiate between the older and younger child in obtaining relevant material for the evaluation. My position is that it is to this younger age group (3–6 years) that the inclusion of play into the process could provide us with more useful information, but only if it supports other data we have gathered from many other sources.

The research of Marsha Kline Pruett and Kyle Pruett (1999) is of special interest in its use of several play therapy methods with a small sample of children, age six and under. The purpose was to “examine how children’s perspectives are influenced both by the legal process of divorce and by what their parents inform them, purposefully or unintentionally, about the legal and mental health professionals who inhabit their world of divorce.”

Departing from the more widely used methodology of questioning parents about their children’s adjustment to the divorce, these authors were interested in the perceptions of the children themselves, and what might be learned about their capacity to express their perceptions through their play.

In the 1.5 hour home-based interviews, individual children were instructed to draw several pictures, including a picture of a person, of their family and of “divorce.” In addition to the drawings, two different doll houses were supplied, along with furniture, family dolls, pet figures and vehicles. The children were asked to set up the houses in any way they wished, and to use the play materials to act out a day, from waking up to going to bed, when they saw both their mom and dad.

“The majority of play sequences grouped themselves into three themes: (1) back and forth between houses, (2) lawyer play and courtroom drama, and (3) safety and security at home. The lower the conflict and the greater the child’s emotional resources, the less constricted the play themes and narratives; the greater the stress expressed by the child, the less complex and coherent the play” (p. 1546).

The children’s perceptions of lawyers and judges and what they do were also elicited in the interview, along with advice children thought judges should give to their parents, and what judges could do to make things easier for the family. Children’s responses indicated considerable “misinformation about divorce as an event and a process. What they did know was often inappropriate, frightening and confusing.” The authors conclude that “greater awareness is needed of the child’s desire to be heard during the process, to feel safe and less lonely, and to stay in touch with both parents and

extended families. Age-appropriate explanations of psychological and legal aspects of the divorce process are likely to support children's positive adjustment and mental health."

In a follow up article, "Get Over It: Perspectives on Divorce from Young Children," by Ebling, Pruett and Pruett (2009), in which they describe the quantified measures used (p.678) they state as follows: **"Our indirect method for learning about young children's wishes and concerns—identification of play themes—was far more fruitful than direction questioning. The direct questions were likely too complicated, abstract, or fraught for this age group. The high frequency of irrelevant responses we received to direct questions is instructive to our findings: our findings should admonish clinicians, researchers, or evaluators from over-relying on verbal methods in assessing young children. In contrast, children's play was quite revealing."** (my emphasis)

In "A Comprehensive Guide to Child Custody Evaluations, Mental Health and Legal Perspectives, author Joanna Bunker Rohrbaugh (2008) includes "interviewing Techniques and Questions for Ages 3–5: Structured Questions and Play with Follow-up Questions (p.293) which are similar to those suggested by D. Skafte in "Child Custody Evaluations: A Practical Guide (1985). These included play with stuffed animals and two separate houses, calling mom and calling dad on toy phones, changing yourself into an animal of your choice, three stated wishes and the "Island Game" in which a magical elf gives a girl or boy the choice of having one person come to live with them.

My appreciation of AFCC extends far beyond being given this opportunity to address some important differences in what constitutes an acceptable evaluation. The crafting of a set of Model Standards for evaluating the custody of a child, first done in 1994 and again in 2005, has contributed enormously to my understanding of the complex and responsible demands of this work. The commitment to utilizing only evidence that meets the stringent test of reliability and validity is a goal I support, while still seeking a way to include some of the techniques, methods and strategies that do not yet meet that test. This is the primary purpose for this submission, and illustrates the fundamental difference between Dr. Martindale's position and mine. This continues to be a search which I believe other clinicians support, because the currently accepted methodologies do not as yet have all the answers, especially in assessment measure for children under five or six years of age.

I would suggest that the four-level model of clinical inferences proposed by Timothy Tippins and Jeffrey Wittmann in "Empirical and Ethical Problems with Custody Recommendations: A Call for Clinical Humility and Judicial Vigilance" (2005) does provide us with guidelines for a responsible way in which to use our inferences in making recommendations to the court. I offer these examples from my own practice by way of illustrating how I have used them:

LEVEL I—(What the clinician observes)

report examples:

- “The child spontaneously blurted out that she wanted to live with her father because ‘my mother makes me eat all my vegetables and my father lets me eat whatever I want’.”
- “Her younger brother chose two adult family dolls, one male and one female, and used the male to kick the female across the floor.”
- “Father argued with the girl that the house they were building together was too big and when she stopped arguing with him that it wasn’t, she built a separate space for her room outside of the house.”

LEVEL II (What the clinician concludes about the psychology of a parent, child or family)

report examples:

- “Mother may be more concerned about the nutritional needs of this overweight child than father.”
- “Mother reported that father had been physically abusive to her and the child may have witnessed it.”
- “Child building her own room outside of father’s house may be an indication that she is not getting her needs met inside the house.”

LEVEL III (What the psychologist concludes about the implications of Level II conclusions for custody-specific variables)

report example:

- “Mother appears to be more attentive to, and accepting of, the children’s needs than father; there is evidence that he has been attempting to alienate the children from their mother; the parental time share needs to be very specific so that the children’s relationship with mother is not compromised.”

LEVEL IV (The psychologists conclusions about the custody-related “should” in the matter)

report examples:

- “As mother does not have a residence large enough to accommodate the children at this time, it has already been agreed by the parents that they will continue to live primarily with father. Mother shall pick up the children every afternoon after school, assist them with their homework and return them to father’s home by 6 pm. Children should be with her every Saturday from 9 am to 8 pm.”

- “If joint legal custody is awarded, a GAL shall be appointed to assist parents in making decisions about their children when they cannot agree.”
- “The children shall be in therapy until clinically discharged.”

As we continue to work on behalf of the best interests of children, we might well heed these authors’ “call for clinical humility and judicial vigilance” as we continue to humbly acknowledge the limits of our confidence in a field that is terribly complex, and that we hesitate just a little when we find ourselves believing that we have the last word.

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