



ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



eNEWS

VOL. 10 NO. 11  
NOV 2015

## Reader Response to Point Counterpoint: Play Therapy and Child Custody Evaluation

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As an attorney who mediates but also litigates hotly-contested custody disputes, I read with interest the point counterpoint and reply of Anita Trubitt, LCSW, MSW, MEd, RPT, and David A. Martindale, PhD, ABPP. I have also followed for years the work and teachings of Tim Tippins, Esq., and Jeffrey Wittmann, PhD, who correctly advocate excluding unreliable testing techniques from court processes to ensure the integrity of our legal system and its decisions that affect so many lives.

Dr. Martindale argues that while an unreliable, untested technique such as play therapy may be used to establish rapport with young children, it should never be used to form conclusions or even hypothesis. Ms. Trubitt claims to similarly “support” the “commitment to utiliz[e] only evidence that meets the stringent test of reliability and validity,” (emphasis added) but contradictorily, still “seek[s] a way to include some of the techniques, methods and strategies that do not yet meet that test.” Disturbingly, she encourages others in her field to do the same. To Dr. Martindale’s point that using unreliable methods won’t hold up in court, Ms. Trubitt responds with a version of “we just won’t tell ‘em!” Because these unreliable techniques do not form “the sole basis” of her conclusions, Ms. Trubitt says, she can be “selective about what [she] include[s]” in her report. “It is understandable,” Ms. Trubitt claims, “that we would select those examples that best support our own position.”

I caution our colleagues in the mental health field that coloring data or testimony, presenting limited (i.e., only the supporting portions of) data, or becoming a partisan advocate (rather than an impartial reporter) can never be justified, even when it’s believed to be in service to the party you think should “win.” Your integrity hangs in the balance. Colored testimony is a form of deception and undermines not only your own credibility but that of your entire profession. Moreover, it disrespects and reveals your own lack of confidence in your knowledge and abilities, and the science that is the basis of your profession. Otherwise you would prepare your report and testify in court in an open, honest, forthright manner, revealing both the strengths and also the weaknesses of your discipline and methodologies, the supporting as well as conflicting data, and trust yourself, your skills, the science and the courts to, together, reach the correct decision in the case. If you do otherwise, a determined and dogged adversary will surely discover and reveal your bias to the court and destroy your credibility, impugn

your conclusions and, possibly, your ability to ever again work in this field. Besides, we all know that an even-keeled, disinterested, fair-minded reporter (who has no agenda of their own) is more trusted and persuasive with both the courts and the parties.

So please join me in upholding the integrity of the legal system by remaining committed to honesty, integrity and full transparency in these arenas so important to children.