



# Child Custody/ Parenting Plan Evaluations

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# Parenting Plan Evaluations (PPE) rather than Child Custody Evaluations

- ▶ Shift thinking **away** from:
  - ▶ Ownership/possession (i.e., custody)
  - ▶ Litigating or “winning” custody
- ▶ **Focus thinking on:**
  - ▶ Parenting the children
  - ▶ What do the children need
  - ▶ How to cooperate to meet the children’s needs
  - ▶ Recognition that ALL parents are important



# Why have a PPE?

- ▶ Resolve Disagreements:
  - ▶ Decision-making
  - ▶ Parenting time
  - ▶ Access to the child(ren) during other parent's parenting time
  - ▶ Interference
    - ▶ In parenting time
    - ▶ In parents' relationship with the children
  - ▶ Allegations of IPV and child abuse

**Best  
Interest  
of Child  
(BIC)**

# Ethics and Practice Guidelines

- ▶ **American Psychological Association (APA)**
  - ▶ Guidelines for Child Custody Evaluations in Family Law Proceedings (February 2022)
  - ▶ Specialty Guidelines for Forensic Psychology (January 2013)
  - ▶ Guidelines for Psychological Evaluations in Child Protection Matters (January 2013)
- ▶ **Association of Family and Conciliation Courts (AFCC)**
  - ▶ Guidelines for Parenting Plan Evaluations in Family Law Cases (May 2022)
  - ▶ Guidelines for Examining Intimate Partner Violence (April 2016)
  - ▶ Model Standards for Child Custody Evaluations (2006)
- ▶ **American Academy of Matrimonial Lawyers (AAML)**
  - ▶ Child Custody Evaluation Standards (2010, 2013)
- ▶ **American Academy of Child and Adolescent Psychiatry (AACAP)**
  - ▶ Practice Parameter for Child and Adolescent Forensic Evaluations (December 2011)

# APA Guidelines for Child Custody Evaluations in Family Law Proceedings (February 2022)

## ▶ **Scope of CCE (3)**

- ▶ Identify Best Interest; Child Welfare is Paramount
- ▶ Focus on Children's Needs, Parenting Abilities and Resulting FIT
- ▶ Identify Purpose, Use, Scope, and Time Frame

## ▶ **Competence of Evaluator (3)**

- ▶ Maintain Specialized Competencies
- ▶ Cultural Competence

## ▶ **Preparing for CCE (4)**

- ▶ Informed Consent
- ▶ Review Records
- ▶ Structure Evals
- ▶ Multimethod Assessment

## ▶ **Conducting the CCE (10)**

- ▶ Fair and Impartial
- ▶ Avoid Conflicts/Dual Rx
- ▶ Developmentally Appropriate
- ▶ Parenting Strengths/Weaknesses
- ▶ Screening for Family Violence/Trauma
- ▶ Screen for Substance Use
- ▶ Psychological Assessment
- ▶ Observation of Parent/Child Interactions
- ▶ Sufficient Data to Address Scope
- ▶ Record Creation, Development, and Retention

## **23 Guidelines**

### ▶ **Interpreting and Communicating Results (3)**

- ▶ Integrate and ANALYZE Data
- ▶ Recommendations Support BIF
- ▶ Clearly and Objectively Convey Results

# AFCC Guidelines for Parenting Plan Evaluations in Family Law Cases (May 2022)

## 13 SECTIONS

- ▶ EDUCATION, TRAINING, AND COMPETENCE
- ▶ KNOWLEDGE OF LAW
- ▶ MULTIPLE RELATIONSHIPS AND ROLE CONFLICTS
- ▶ COMMUNICATION BETWEEN EVALUATORS, PARTIES, ATTORNEYS, AND COURTS
- ▶ RECORD KEEPING AND RELEASE OF RECORDS
- ▶ DATA GATHERING
- ▶ INTERVIEWING CHILDREN
- ▶ OBSERVATIONAL – INTERACTIONAL ASSESSMENT
- ▶ COLLATERAL SOURCES INFORMATION
- ▶ USE OF FORMAL ASSESSMENT INSTRUMENTS
- ▶ PRESENTATION AND INTERPRETATION OF DATA
- ▶ APPROACHES INVOLVING MULTIPLE EVALUATORS
- ▶ VIRTUAL EVALUATION

# Laws that govern CCE Practice - NV

## **NAC – CHAPTER 641**

PSYCHOLOGISTS, LICENSED BEHAVIOR ANALYSTS, LICENSED ASSISTANT BEHAVIOR ANALYSTS, AUTISM BEHAVIOR INTERVENTIONISTS, PSYCHOLOGICAL ASSISTANTS, PSYCHOLOGICAL INTERNS AND UNLICENSED PERSONNEL

- Licensing Requirements
- Standards of conduct
  - **641.207 – Child Custody Evaluations**
  - **641.208 – Scope of Practice,**  
Competency Required; Basis for  
Rendering Formal Professional Opinion

## **NRS - CHAPTER 641**

PSYCHOLOGISTS, BEHAVIOR ANALYSTS, ASSISTANT BEHAVIOR ANALYSTS AND AUTISM BEHAVIOR INTERVENTIONISTS

- Licenses
- Disciplinary Actions
- **Scope of practice**

# NAC 641.207

## Child Custody Evaluation.

- ▶ Psychological interests and well-being of child
- ▶ Impartial, objective, fair, unbiased
- ▶ No multiple relationships
- ▶ Gather information related to:
  - ▶ Each setting child spends time
  - ▶ Recency and nature of parent-child interactions
  - ▶ Developmental needs of the child
- ▶ Meet with child
- ▶ Coordinate with other evaluators
  - ▶ Minimize redundancy
- ▶ Base scope on best interests of the child
- ▶ Obtain written consent of each participation and assent of each child
- ▶ Inform participants of limits of confidentiality
- ▶ Clarify costs and fees
- ▶ Base opinions on integration of all information
- ▶ Complete in a timely manner
- ▶ No opinions of any persons that were not evaluated



# RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

- ▶ APPROVED BY THE SUPREME COURT OF NEVADA
- ▶ Effective March 1, 1994 and Including Amendments Through September 9, 2023
- ▶ Rule 5.405. Child interview, outsource evaluation, and court appointed special advocate (CASA) reports.
  - ▶ (a) **A written child interview report or outsource evaluation report** (including exhibits), prepared by the Family Mediation Center, an outsource evaluator, or a CASA **shall be delivered to the judge in chambers**. Only the **parties, their attorneys, and such staff and experts as those attorneys deem necessary are entitled to read or have copies of the written reports**, which are **confidential** except as provided by rule, statute, or court order. Statements of a child to a CASA may not be viewed without an order of the court.
  - ▶ (b) **No copy of a written report, or any part thereof, may be made an exhibit** to, or a part of, the open court file except by court order. A written report may be received as evidence of the facts contained therein that are within the personal knowledge of the person who prepared the report.
  - ▶ (c) Every such report shall include on its first page, a prominent notice in substantially the following form:

DO NOT COPY OR RELEASE THIS REPORT TO ANYONE, INCLUDING ALL PARTIES TO THE ACTION. NEVER DISCLOSE TO OR DISCUSS THE CONTENTS OF THIS REPORT WITH ANY MINOR CHILD.

# Overlap in Guidelines, Laws, Practice

## **Best Interest of Child (BIC)**

- ▶ Evaluator **COMPETENCE**
- ▶ Parties **CONSENT**
- ▶ Multiple sources of **DATA**
- ▶ **NEXUS** between data and recommendations

# PPE - What are we really evaluating?

**APA Guidelines for Child Custody Evaluations in Family Law Proceedings** (February 2022) describe Best Interests of the Child [BIC] as addressing:

- ▶ Child's Physical, Educational, Social, Recreational, and Psychological Needs
- ▶ Parental Factors
  - ▶ Parenting style and practices
  - ▶ Parent child relationships
  - ▶ Ability and willingness to co-parent
  - ▶ Impact on the child
- ▶ Cultural and Environmental Variables
- ▶ Family Dynamics and Interactions
  - ▶ Interpersonal support
- ▶ Fit between Children's Needs and Parenting Abilities



# Best Interest of Child (BIC)

## NRS 125C.0035

- a. The **wishes of the child**, *if the child is of sufficient age and capacity to form an intelligent preference* as to physical custody
- b. Any nomination of a guardian for the child by a parent
- c. Which parent is more likely to **allow frequent associations and a continuing relationship** with the other parent
- d. The **level of conflict** between the parents
- e. The **ability of the parents to cooperate** to meet the needs of the child
- f. The physical and mental health of the parents
- g. The physical, **developmental, and emotional needs of the child**
- h. The nature of the relationship of the child with each parent
- i. The ability of the child to maintain a relationship with any sibling
- j. Any **history of parental abuse or neglect** of the child or a sibling of the child
- k. Whether either parent has engaged in an act of **domestic violence**
- l. Whether either parent has committed any act of abduction

# Getting Started

## ▶ COURT ORDER

- ▶ Identifies evaluator
- ▶ Clarifies responsibility for payment
- ▶ Identifies scope and issues to be evaluated
- ▶ Informs when report is to be completed

## ▶ STATEMENT OF UNDERSTANDING (SOU)

- ▶ Informed consent/assent
- ▶ Policies and procedures of evaluation
- ▶ Expectations of parents and evaluator
- ▶ Fees

# PPE Foundational Structure

## Multiple Sources of Data

- ▶ Initial Interview (conjoint with both parents)
  - ▶ Role
  - ▶ Review SOU, IC, Fees,
  - ▶ Limited confidentiality
  - ▶ Briefly identify concerns
- ▶ Clinical Interview with each party separately
  - ▶ Concerns
  - ▶ Timeline of events
  - ▶ Listen to their story; hear their pain
- ▶ Psychosocial History with each party
- ▶ Behavior Observations of all involved
- ▶ Clinical Interview(s) with EACH CHILD
- ▶ Review Records
  - ▶ As the evaluation progresses
- ▶ Psychological testing for each party and child
- ▶ Home Visits
  - ▶ Toward the end of evaluation
- ▶ Family Observations
- ▶ Collateral Contacts
- ▶ Final interviews with each party
- ▶ Research Review
- ▶ Report Generation

# Interviewing Parents

## Clinical Interview

- Strengths/weaknesses
- Other parents strengths/weaknesses
- Parenting philosophy
- Child's functioning
- Child's need for relationship with other parent
- Child's birth story
- Involvement during child's developmental stages
- Ideal parenting plan

## Co-parenting

- Communication with other parent
- Keeping co-parent informed
- Resolving conflicts
- Friendliness at exchanges
- Gatekeeping
- Flexibility in schedule

## Bx Observations

- Can parent stay focused?
- Does parent ramble?
- Understand own role in conflict?
- Extent of externalization of blame/denial?
- Understand individual dynamics.
- Understand interactive dynamics between the parents.

# Interviewing Children

## ▶ Child Interview

- ▶ Learn about child's overall life
- ▶ School and Peers
- ▶ Emotional development
- ▶ Understand divorce from child's eyes
- ▶ Structure/routine in each house
- ▶ Likes/dislikes of each parent
- ▶ Support systems
- ▶ Avoid adding distress/putting child in middle

## ▶ Parent Interview

- Parent adjustment (strongly linked to child's adjustment)
- Parenting practices/fit with child's needs





# Collateral Contacts

- ▶ As you move through the evaluation, develop of a list of collateral sources of information.
- ▶ Always obtain written release from parties before initiating
- ▶ Be aware of bias
- ▶ Purpose:
  - ▶ To provide evidence for information provided by litigants
  - ▶ Resolve disparity between contradictory information
  - ▶ Multiple sources of data
  - ▶ Obtain additional information
  - ▶ Verify/refute claims
  - ▶ Evaluate credibility



# Interviewing Collateral Contacts

- ▶ Observations of:
  - ▶ strengths/weaknesses of each parent
  - ▶ parent interactions
  - ▶ parent/child interactions
  - ▶ parent/child communication styles
  - ▶ discipline/limit setting
  - ▶ parent expression of anger, particularly with the child
- ▶ Before ending, ask if collateral has:
  - ▶ any questions
  - ▶ any other info to share
  - ▶ document conversation
  - ▶ inform collateral it was documented

# How do I evaluate... Psychological Testing?

## Benefits

- ▶ Generate hypotheses
- ▶ Confirm/disconfirm hypotheses
- ▶ APA & AFCC urge evaluators to use tests ONLY as appropriate and note limitations

## Risks

- ▶ Reliability and validity measures
  - ▶ Not normed on child custody litigants
- ▶ Defensive responding/guardedness
- ▶ Efforts to portray self in overly positive manner
- ▶ Little direct correlation between testing results and parenting

# Psychological Testing In CCE

- ▶ **Best Interests – Fact-intensive & multi-method approach to data gathering**

- ▶ Develop hypotheses about behavioral tendencies, mental health issues and psychological functioning as they may affect parenting, parent-to-parent communication, & other custody-related concerns.
- ▶ No single psychological test, or even battery of psychological tests, is capable of reliably replacing a court's consideration of numerous factors identified by state statutes & case law.
- ▶ Dubious claim that competent child custody evaluators have been placing undue weight on psychological test results w/o consideration of multiple, independent sources of information gathered.

# GUIDING PRINCIPLES FOR TESTING

- ▶ **APA (2017) Ethical Principles of Psychologists and Code of Conduct**
  - ▶ Test use that is valid & reliable for the purpose of the assessment and the test taker.
- ▶ **The Standards for Educational & Psychological Testing (American Educational Research Association, APA, & National Council on Measurement in Education, 1999)**
  - ▶ Address numerous areas, including interpretation informed by appropriate reference groups.
- ▶ **APA (2013) Specialty Guidelines for Forensic Psychology**
  - ▶ Test use needs to consider applicable research.
- ▶ **Guidelines for Child Custody Evaluations in Family Law Proceedings (2010)**
  - ▶ Interpretation of assessment data needs to consider the context of the child custody evaluation.
- ▶ **Association of Family and Conciliation Courts - Guidelines for Parenting Plan Evaluations in Family Law Cases (2022)**
  - ▶ Evaluators should articulate the bases for selecting the specific formal assessment instruments they use and the limitations of those instruments.

# Psychological Testing In CCE

## ▶ **Anti-Testing Movement**

- ▶ Psychological tests lack normative data to interpret test responses and scores
  - ▶ Ignores the voluminous data about children of divorce, divorcing and separating parents, treatment interventions and how to evaluate and help children, parents and families.
  - ▶ Many psychological tests have normative data for child custody litigants.
    - ▶ MMPI-3 & PAI (N: 506 men & women & PAI N: 250 men & women).
  - ▶ Testing cannot generate data regarding the psychological characteristics of parents as they pertain to parenting and family dynamics.
    - ▶ Properly interpreted test data furnishes information not available through other sources.
    - ▶ Three “c’s” – cumulative – comprehensive – converging evidence. Better reasoned & supported decisions.

# VALIDITY CONSIDERATIONS

## ▶ **Self-report instruments & Self-report interviews**

- ▶ Psychological testing can provide information regarding a parent's approach to the overall assessment even if not directly related to parenting skill.
  - ▶ Measures of defensiveness – social desirability
    - ▶ Are they willing to admit to common human frailties that most people would admit when responding candidly.
    - ▶ Attempting to present an overly favorable picture of himself or herself.

# Psychological Testing In CCE

## ▶ **Psychological Testing**

- ▶ Specific test administered to obtain specific score.
- ▶ Descriptive meaning applied based on normative group finding - Nomothetic.
- ▶ Does not include an examination of a score within context of person's life.

## ▶ **Psychological Assessment**

- ▶ Includes testing – Not limited to testing.
- ▶ Take variety of scores from multiple test methods & consider in context of history, referral information, third party, and observed behavior to examine competing hypotheses – Ideographic.



# Psychological Testing In CCE

- ▶ **Testing May Not Directly Relate To Parenting/Co-parenting Skill**
  - ▶ Psychological test are not normed with litigating parents – no valid data.
  - ▶ Not true according to the Standards for Educational & Psychological Testing – APA, American Educational Research Association, & National Council on Measurement in Education.
    - ▶ Data summarizes test score for one or more specified groups, test takers of various ages, grades, representative of a larger population. Custody litigants score similarly to GP on most scales.
  - ▶ Understanding a parent's psychological functioning is not solely about understanding if there is psychopathology, but gaining an understanding of a parent's ability to regulate and modulate emotions, coping capacities under stress, capacity for empathy. Mental Health (BPD, Depression, Anxiety, Psychosis)

# MULTIDISCIPLINARY TEAM APPROACH

## ▶ **Multidisciplinary Team or Individual Approach?**

- ▶ Many CCE's assessed from a unilateral perspective.
- ▶ Multitude of factors that interplay when determining best interests
  - ▶ Cognitive, social, emotional, personality, and biological factors that can impinge on best interests.
  - ▶ Evaluators with varied areas of expertise working together to collect, evaluate & interpret data may enhance conclusion that are more objective & multidimensional, as each brings a diverse area of knowledge.

# MULTIDISCIPLINARY TEAM APPROACH

## ▶ **Multidisciplinary Team Process**

- ▶ Assessors review documents, interview clients, observe parent-child interaction, diagnose, & make recommendations as a team.
- ▶ Individual track to formulate hypotheses within scope of each discipline.
- ▶ Come to third-party collateral interviews with hypotheses.
- ▶ Re-interview conducted based on new/conflicting information.
- ▶ Report is produced by the team.
- ▶ Week-long break, reconvene, reviewed, & finalized.

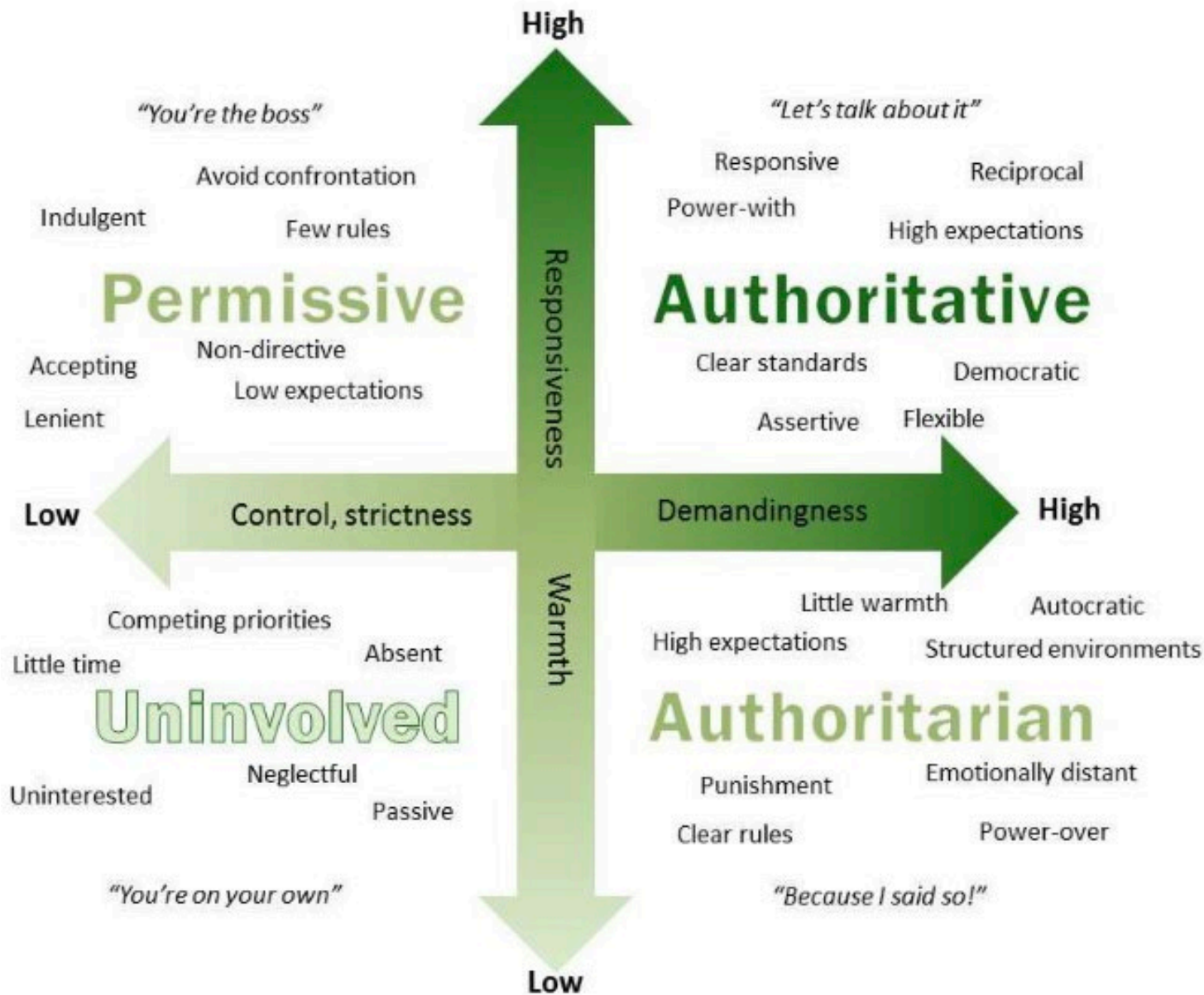
# Assessing Parenting Strengths and Weaknesses

## ▶ Strengths

- ▶ Nurturing
- ▶ Affection
- ▶ Responsiveness
- ▶ Teaching Skills
- ▶ Communication about rules
- ▶ Negative parenting (yelling)
- ▶ Critical thinking
- ▶ Routines
- ▶ Limit setting
- ▶ Modeling impulse control

## ▶ Weaknesses

- ▶ Having child deliver messages between parents
- ▶ Asking intrusive questions about the other parent
- ▶ Creating need for child to hide information
- ▶ Creating need to conceal feeling about the other parent



# Assessing Parenting Styles

# Assessing Parent Child Relationships

- ▶ Quality of emotional connection
  - ▶ Parenting style and effectiveness
    - ▶ Impact on Child
  - ▶ Child's sense of security and trust
  - ▶ Ability to meet child's developmental needs
  - ▶ Consistency and stability of the relationship
  - ▶ Presence of any alienating behaviors
- ▶ Positive Indicators in Parent-Child Relationships
    - ▶ Warmth and affection
    - ▶ Effective communication
    - ▶ Appropriate limit-setting and discipline
    - ▶ Support for child's individuality and growth

# Assessing Co-Parenting

## ▶ Types of Post-Divorce Relationships (Maccoby and Mnookin, 1992)

- ▶ Cooperative Parents
- ▶ Parallel Parenting
- ▶ Disengaged
- ▶ Conflicted Co-parenting
- ▶ Mixed (Cooperative and Conflicted)
  - ▶ Typically conflict declines over time and is replaced by disengagement

## ▶ Gatekeeping

- |                 |               |
|-----------------|---------------|
| ▶ Facilitative  | ➡ Restrictive |
| ▶ Proactive     | ➡ Alienating  |
| ▶ Supports      | ➡ Derogates   |
| ▶ Communication | ➡ Silence     |
| ▶ Flexible      | ➡ Rigid       |

# Screening/Assessing for Intimate Partner Violence (IPV)

## Definitions

- ▶ Psychological
- ▶ Physical
- ▶ Sexual
- ▶ Financial

## Separation Instigated Violence

- ▶ No history of violence
- ▶ Atypical loss of self-control
- ▶ Limited to one or two episodes
- ▶ More likely to acknowledge (no denial)



# Screening/Assessing for Intimate Partner Violence (IPV)

## Situational Couple Violence

- ▶ Poor conflict resolution skills
- ▶ Cursing, yelling, name calling
- ▶ Conflict escalates to physical
- ▶ Minor forms of violence (pushing, shoving, grabbing)
- ▶ Partners not generally fearful of each other
- ▶ Decreases with time & age

## Coercive-Controlling Violence

- ▶ Intimidation, coercion, control, emotional abuse
- ▶ Injuries more frequent and severe
- ▶ Denial, minimizing, blame are common

# Assessing Child's Functioning Research

## ▶ Post-Divorce Children's Adjustment

- ▶ Adjustment of residential parent
- ▶ Competent parenting
- ▶ Access/relationship with non-residential parent
- ▶ Conflict between parents
- ▶ Co-parenting arrangements
- ▶ Number of family transitions

## ▶ Children Benefit from Effective Parenting

- ▶ Sensitivity
- ▶ Warmth
- ▶ Involvement
- ▶ Consistent, Rational Discipline
- ▶ Nurturing
- ▶ Responsiveness
- ▶ Authoritative Style

# Assessing Family Dynamics

- ▶ Triangulation
  - ▶ Children exposed/enlisted to participate in conflict
- ▶ The Chameleon Child
  - ▶ Changing behavior for acceptance



- ▶ The Polarized Child
  - ▶ Abuse
  - ▶ Enmeshment
    - ▶ Adulthoodification
    - ▶ Parentification
    - ▶ Infantilization
  - ▶ Estrangement/Justified Rejection
  - ▶ Alienation

# Developing Theories

- ▶ C – Child's Perspective
- ▶ R – Relationships to Parents/Extended Families
- ▶ A – Attachment History
- ▶ D – Developmental Information
- ▶ L – Limitations in the interview/information
- ▶ E – Exposure to Conflict
- ▶ Guidance or Influence
- ▶ Hidden agenda or honest answers

# Family Functioning RESEARCH

Children of divorced parents are at higher risk for:

- Poor academic performance
- Emotional distress
- Delinquency
- Insecurity and depression

RESILIENCE is the norm, not risk

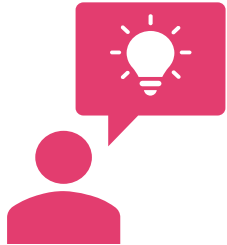
- Most children DO NOT have behavioral, educational, or mental health problems following divorce

It's not the divorce itself that places children at risk, IT IS THE EXPOSURE TO PARENT CONFLICT

- Kids have poorer outcomes when parents are in conflict either before or after divorce

- ▶ Factors that Contribute to High Conflict
  - ▶ Continuation of hostility from marriage
  - ▶ Different parenting practices
  - ▶ Concern about the adequacy of the other parent's parenting abilities
  - ▶ Parent Factors
    - ▶ Interpersonal vulnerability
    - ▶ Poor impulse control
    - ▶ Lack of empathy for child/other parent
    - ▶ Lack of acceptance of the end of the marriage
    - ▶ Rigid thinking and emotional fragility

# Ensuring Neutrality



## Awareness of Cognitive Biases

Any factor that keeps us from perceiving data accurately

Favoring one side, non-objectivity, one-sidedness, partiality, prejudice

Addressed in the APA Ethics Code, APA and AFCC Guidelines



## Awareness of Heuristics

Simple, efficient rule that describes how people make decisions or reach conclusions

Lead us to focus on one aspect of a problem

Lead us to ignore important information

Emphasize some factors and minimizing others

# Cognitive Biases & Heuristics

- ▶ Confirmatory Bias
- ▶ Hindsight Bias
- ▶ Recency Bias
- ▶ Clinical/Professional Stereotyping
- ▶ Affiliative/Disaffiliative Bias
- ▶ Research Bias
- ▶ Data gathering bias
- ▶ Anchoring Heuristic
- ▶ Availability Heuristic
- ▶ “The truth lies somewhere in the middle.”

# Managing Bias

AWARENESS!!

Avoid adopting one parent's perspective over the others

If you adopt one parent's emotions, you also adopt their bias

Remain curious and open

Challenge parent's beliefs about co-parent

Ask probing questions

Don't overestimate your ability to discern the "truth"

Humbition – Ambition to do A+ work, yet humility to know that is not always possible



# Forming Conclusions

Generate a complete, integrated report

Answer the evaluation questions

Includes discussion of:

- Family Dynamics
- Co-Parenting Dynamics
- Parenting Strengths and Weaknesses
- Parent-Child Fit
- Data that does NOT support conclusions

Offer specific recommendations (if requested) regarding time-share

# Report Analysis

## Analysis

- ▶ The process of breaking a complex topic, concept, or construct into smaller component parts, for the purpose of gaining a better understanding of the complexity of the topic
- ▶ Systematic review of data
- ▶ "Show your work."
- ▶ ANALYZE, DON'T SUMMARIZE

## Describe:

- ▶ Perception of the problem
- ▶ Extent to which each parent contributes to problem
- ▶ Limitations in data
- ▶ Advantages/disadvantages of custody considerations
- ▶ Connection between analysis and data

# PPE - Outcome Benefits/Risks

- ▶ Joint Custody
  - ▶ Benefits to family
    - ▶ Adherence to agreements
    - ▶ Fathers more involved
    - ▶ Parents more cooperative
    - ▶ Ongoing contact with both parents (no need to be joint, as long as there is ongoing contact)
  - ▶ Benefits to child
    - ▶ Children's relationships with both parents are better
    - ▶ Higher self-esteem, fewer behavioral problems
    - ▶ Better school performance
- ▶ Primary Custody and Limited/Supervised Parenting Time
  - ▶ Preferable when one parent is abusive, neglectful, serious mental health problems, or difficulty adjusting after divorce
  - ▶ Parents report higher degrees of conflict over time (Bauserman, 2002)
- ▶ Predictors for best adjustment in children
  - ▶ Better relationships with residential parents
  - ▶ Minimal parent conflict
  - ▶ Economic security
  - ▶ Passage of time
  - ▶ Both parents involved in the child's life and activities

# Recommendations

## Medium Conflict

- Parenting Plan
  - Vague or explicit
  - Physical custody
  - Other topic areas (exchanges)
- Holidays/Vacations
- Solutions for Focused Disputes

## High Conflict

- Medium Conflict Reccs AND
- Decision-making hierarchy
- Conflict Resolution recommendations
- Specialized Issues
  - Drug testing
  - Special needs children
  - IPV interventions

## Other areas

- Therapy, with specific goals
- Educational needs of kids
- Modifications as children get older
- Minor's counsel
- Parenting Coordinator

# Evaluations & Reports

## The Good

- Informed consent
- Several interviews with parents
- Interviews with older children
- Observations of ALL children with parents
- Records review
- Collateral info

## The Bad

- Not enough interviews
- Lack of collateral data
- If psych tests are used, employing only one test of using results to formulate conclusions rather than hypotheses

## The Ugly

- Choosing not to see some children
- Relying too heavily on any particular data point, including:
  - Children's play
  - Psych test results
  - Over focus on parent conflict
  - Minimizing children's issues

# Problematic Recommendations

- ▶ Garbage In/Garbage Out
- ▶ Evaluator goes beyond the limits of knowledge gained in the evaluation
- ▶ Evaluator bases recommendations on personal biases of philosophy, rather than the individual family data and research
- ▶ Evaluator goes beyond the scope of the court order
- ▶ Evaluator makes recommendations about a person that the evaluator did not evaluate
- ▶ Evaluator makes recommendations that are inconsistent with the data
- ▶ Evaluator does not explain nexus between data and recs

# Challenging Work

- ▶ High tension
- ▶ Parents may become angry/upset
- ▶ Difficult cross examinations
- ▶ Licensing board complaints – allegations of ethical violations are leading cause complaints (more than having sex with patients)
- ▶ Lawsuits – see the litigation pattern in these parents/insight
- ▶ High stress



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The place that parents go  
to put their kids' needs first

Low cost  
Low tech  
High yield

Improved  
consumer  
satisfaction

Improved  
service  
efficiency  
and efficacy

Fewer  
complaints  
against  
providers

**ADVANCE  
ORIENTATION**

Resource



# So why do we do it??

- ▶ Valuable service when competent and impartial opinions regarding the “psychological best interests” of the child are provided.
- ▶ Thorough, ethical, and careful work, with good consultation and mentoring will know that our skillful work have helped the overburdened courts, and the vulnerable children of divorcing parents by providing valuable input to the long-term resolution of divorce conflict.



#Coparenting  
#BestDayEver

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- ▶ Garber, B.D. (2010). *Developmental Psychology for Family Law Professionals: Theory, Application, and the Best Interests of the Child*. New York: Springer Publishing Company.
- ▶ Garber, B.D., Prescott, D., Mulchay, C. (2022). *High Conflict Litigation: Dynamics, Not Diagnoses*. American Bar Association.
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[www.DefuseDivorce.com](http://www.DefuseDivorce.com)

The world's first common platform for advance orientation in family law. AO is NOT the same as informed consent and it's not coaching. AO is the walk-through your kids take before starting at a new school. It's the video that the surgeon asks you to watch before your appendectomy. And it's the VR game about "Tommy Tooth" that the dentist loans to your children before their first cleaning. (These examples are real!) AO happens everywhere all around us in every medium you can name. It's time that family law and our family courts caught on.



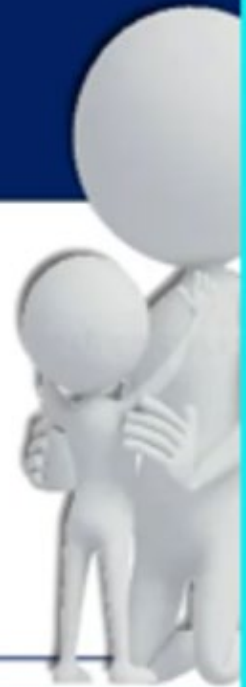
“Preparing for Parenting Plan Evaluation” is a one-hour overview of the PPE process defusing consumer anxiety about questions such as “who is my evaluator?” and “is the evaluator like my therapist?” and “Is what I say private?”

# *What should we tell the kids?*

Explaining family conflict, separation, divorce, and remarriage to children.

**DefuseDivorce.com**

The place that parents go to put their kids' needs first



What to Tell my Kids? is a one-hour overview of the scores of questions commonly asked by parents who are separating, divorcing, relocating, re-partnering and making other big family changes: “what should I tell them?” and “what SHOULDN’T I tell them?” and “Why can’t I tell them everything?” and “Who should tell them?” and where and when to tell them.

Why won't my children  
spend time with me?

*Parental alienation  
is not the whole story.*



“Why won’t my kids spend time with me?” will be posted by the end of the month. This 75-minute [DefuseDivorce.com](http://DefuseDivorce.com) program talks about “resist-refuse dynamics” in very basic terms. We defuse the “A” bomb of alienation by helping parents understand the many commonly co-occurring variables associated with RRD. We know that when RRD ceases to be a good guy/bad guy contest, kids benefit.

# STATE OF NEVADA CHILD SUPPORT ENFORCEMENT PROGRAM

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2024 FAMILY LAW CONFERENCE  
PRESENTATION

A series of white diagonal lines of varying lengths and thicknesses, starting from the bottom right and extending towards the top right, creating a sense of motion and modern design.

# CREATION

- ▶ Created in 1975 when President Gerald Ford signed into law the Social Security Amendments of 1974. These amendments created Title IV-D of the Social Security Act. Title IV-D, which in turn, created the federal child support Enforcement Program. IV-A program handles TANF cases. IV-D Program handles non-TANF cases
- ▶ Program is a partnership between the Federal government and all 50 States (and the U.S. Territories)
- ▶ The Nevada Child Support Enforcement Program is part of the State of Nevada Division of Welfare and Supportive Services
- ▶ The program is administered through the District Attorney offices in 6 counties: Churchill, Clark, Elko, Lyon, Nye, and Washoe. The Attorney General's office handles the remaining counties and, in Washoe County, State Welfare cases

# GOVERNED BY FEDERAL AND STATE LAWS AND STATE OF NEVADA POLICIES, PROCEDURES, AND REGULATIONS


- ▶ 45 CFR Chapter III
- ▶ NRS 22 Contempt
- ▶ NRS 31A Enforcement of Obligations for Support of Children
- ▶ NRS 125B Obligation of Support
- ▶ NRS 125C Custody and Visitation
- ▶ NRS 126 Parentage
- ▶ NRS 130 Interjurisdictional Enforcement of Support
- ▶ NRS 425 Support of Dependent Children
- ▶ NAC 425 Support of Dependent Children
- ▶ State of Nevada DWSS Child Support Enforcement Manual




# REPRESENTATION

- ▶ The child support enforcement program does NOT represent either party (NRS 125B.150)
- 

# PROGRAM SERVICES

- ▶ Establishment, modification, and enforcement of child support orders (NRS 425)
  - ▶ Establishment of paternity (NRS 425.3838, 384, 3841)
  - ▶ Enforcement of judgments for unreimbursed medical expenses (DWSS Manual, Section 206 C)
  - ▶ Enforcement of ongoing spousal support orders and spousal support arrears, but only in conjunction with enforcement of ongoing child support orders (NRS 31A.110)
  - ▶ Processing of child support payments through SCaDU (NRS 425.363)
- 

# OUTSIDE THE SCOPE OF THE CHILD SUPPORT ENFORCEMENT PROGRAM SERVICES

- ▶ Adjudication of unreimbursed medical expenses
  - ▶ Collection of attorney fees, costs for extracurricular activities, property settlement equalizing payments
  - ▶ Establishment or modification of custody or visitation
  - ▶ Establishment or modification of spousal support
  - ▶ Determination or modification of who claims child as dependency exemption for tax purposes
- 

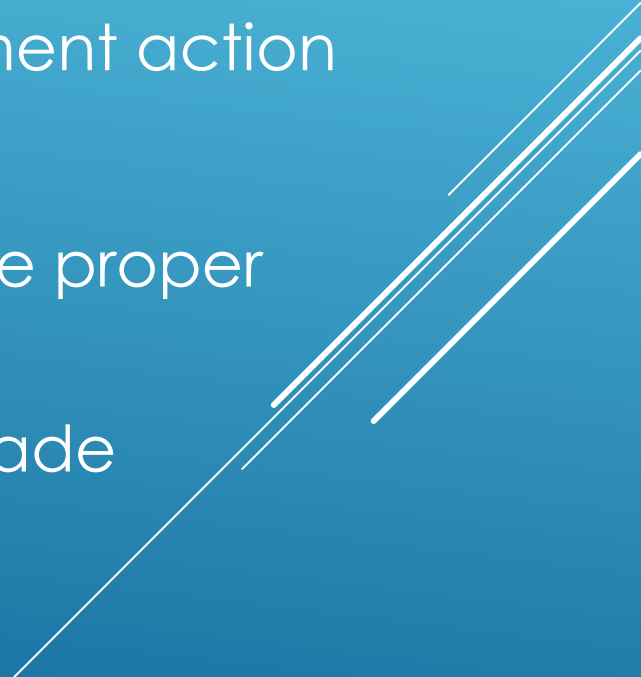
# ENFORCEMENT TOOLS

- ▶ Income withholding (NRS 31A.025, NRS 425.410)
- ▶ Attachment of worker's compensation or insurance claim payments (NRS 31A.150, NRS 425.364)
- ▶ Driver's license and recreational license suspension (NRS 425.510)
- ▶ Professional and occupational license suspension (NRS 425.520)
- ▶ Liens on real property (NRS 17.150)
- ▶ Financial Institution Data Match (FIDM - bank account seizure) (NRS 425.470)
- ▶ Federal Income Tax Refund Offset Program (NRS 125B.150, 45 CFR 303.72)
- ▶ Passport Denial, Revocation, Restriction (42 CFR 51.60)
- ▶ Consumer Credit Reporting (NRS 125B.170)
- ▶ Contempt NRS Chapter 22 – not all counties pursue contempt

# PROGRAM RESOURCES

- ▶ Income withholding
- ▶ Federal Parent Locator service
- ▶ Access to State and Federal new hire reporting from employers
- ▶ Bank account reporting from financial institutions
- ▶ Member of Child Support Lien Network which has data matching agreement with over 1,500 insurers who will provide notification of insurance/workman's compensation claims
- ▶ Payment tracking through the State Collection and Disbursement Unit (SCaDU)

# GETTING STARTED

- ▶ Application for services: establishment, enforcement, modification
  - ▶ Enforcement only – administrative case
    - ▶ unless order does not contain needed information, the order is enforced without initiating a child support enforcement action
  - ▶ Establishment and modification – judicial case
    - ▶ initiate child support enforcement action, effectuate proper service, set hearing
  - ▶ Once case has been opened all payments must be made through SCaDU; NRS 31A.080, 45 CFR 302.32.
- 

# TIPS FOR DRAFTING ENFORCEABLE ORDERS, I.E., ORDERS THAT CAN BE ENTERED INTO THE STATE CHILD SUPPORT ENFORCEMENT SYSTEM (NVKIDS)

DICTATED BY SYSTEM REQUIREMENTS & LIMITATIONS

## WHY YOU SHOULD CARE

### ▶ Example:

- ▶ *Order filed June of 2024 (incorporates MSA signed March of 2024 or the order was prepared after settlement conference or trial held March of 2024). States that Mother shall pay Father \$537.00 per month in child support and that the parties shall equally share the cost of child care and the cost of the child's health insurance premium).*

# TIPS FOR DRAFTING ENFORCEABLE ORDERS, CONTINUED

## ▶ Ongoing child support

- ▶ Includes percentage of GMI, plus/minus share of child care/day care costs, plus/minus share of children's health insurance premium costs
- ▶ provide amounts used for calculations: GMI, percentage, share of child care/day care cost, and share of health insurance premium cost
- ▶ provide a sum certain to be enforced on a monthly basis
- ▶ provide a start date
- ▶ if the order only covers costs for child care/day care and/or health insurance premium the amount ordered will be treated as child support



# TIPS FOR DRAFTING ENFORCEABLE ORDERS, CONTINUED

- ▶ *Example: Order states that the child shall continue to be covered by Medicaid, unless one or both of the parties can provide coverage through his/her employment or parties shall confer and determine who will provide health insurance coverage.*

# TIPS FOR DRAFTING ENFORCEABLE ORDERS, CONTINUED

- ▶ **Example:** Order states that non-custodial parent shall provide health insurance. When case is opened for enforcement, if non-custodial is not providing insurance, a letter will be sent to his/her employer for insurance to be put in place.
  - ▶ Health insurance
    - ▶ identify who is providing (even if it is Medicaid); 45 CFR 303.31 (b) (3) (i-ii)
    - ▶ if non-custodial parent providing, ensure that parent has access to insurance at a reasonable cost

# TIPS FOR DRAFTING ENFORCEABLE ORDERS, CONTINUED

- ▶ *Example: Order states that Father owes Mother \$537.00 per month in child support and enters a judgment for child support arrears in the amount of \$3,245.00 plus interest.*
- ▶ Child support arrears
  - ▶ if entering a judgment, include dates covered by the arrears.
  - ▶ if arrears are reduced to judgment and include interest, provide a break down for the principal and interest amounts
  - ▶ provide an amount that is to be paid monthly for the arrears - if no monthly payment amount is set out, 10% of ongoing will be used for the monthly payment amount (NRS 31A.030)
  - ▶ if a judgment is entered that does not include interest, NVKIDS is not set up to calculate past interest, so it will not be assessed

# TIPS FOR DRAFTING ENFORCEABLE ORDERS, CONTINUED

- ▶ *Example: Order filed June of 2024 enters judgment for unreimbursed medical expenses in the amount of \$425.00 which is subject to interest.*
- ▶ Medical expenses
  - ▶ the child support enforcement program does not adjudicate unreimbursed medical expenses, but will enforce a judgment for medical expenses
  - ▶ NVKIDS does not assess interest on this judgment
  - ▶ include monthly payment amount

# TIPS FOR DRAFTING ENFORCEABLE ORDERS, CONTINUED

- ▶ *Example: Order filed June of 2024 (incorporates MSA signed March of 2024/prepared after settlement conference or trial held March of 2024). States that Mother shall pay Father \$300.00 per month in spousal support for 36 months and owes spousal support arrears in the amount of \$725.00*
- ▶ Spousal support & spousal support arrears
  - ▶ will enforce only if also enforcing ongoing child support
  - ▶ include monthly payment toward arrears

# TIPS FOR DRAFTING ENFORCEABLE ORDERS, CONTINUED

- ▶ Example: *Plaintiff shall pay Defendant child support of \$100 per month through Zelle, CashApp, or directly to Defendant.*
  - ▶ The child support enforcement program requires all payments to be made through SCaDU.
  - ▶ Orders that contain specific payment requirements other than SCaDU are unenforceable through the child support enforcement program unless those orders also include an option for either party to open a child support enforcement case if the payor misses a payment.

# OTHER CONSIDERATIONS

- ▶ Example: *Prior child support order based on Mother having primary custody orders Father to pay \$565.00 per month in child support. This order is being enforced by the child support enforcement program. Order entered June 2024 changing primary custody to Father and orders Mother to pay 840.00 per month in child support. Acknowledges that Father owes child support arrears to Mother and states that Mother's obligation shall be offset against Father's arrears until they are paid in full.*
- ▶ Custody changes from one parent to the other:
- ▶ Include provision stating that new custodian's previously ordered child support obligation stops and the date it stops.
- ▶ If new custodian awarded child support, include monthly amount and start date.
- ▶ If the new custodial parent owes child support arrears to the new non-custodial parent, NVKIDS is not set up to credit the new non-custodial parent's monthly child support obligation against the new custodial parent's arrears.

# OTHER CONSIDERATIONS CONTINUED

- ▶ Example: *Prior child support order based on Mother having primary custody orders Father to pay \$565.00 per month in child support. This order is being enforced by the child support enforcement program. Order entered June of 2024 changes primary custody to Father and orders Mother to pay 840.00 per month in child support. Acknowledges that Father has a credit in child support which Mother shall pay back to Father.*
- ▶ If the new custodial parent had a child support credit when custody changed, and the new custodial parent wants the money paid back through the child support office, there will need to be two enforcement cases opened: one where the new custodial parent is the obligee and one where the new custodial parent is the obligor.



# OTHER CONSIDERATIONS CONTINUED

- ▶ Example: *Order filed June of 2024 states that mother shall pay father \$537.00 per month in child support, does not address arrears.*
- ▶ If you file a new custody or divorce action, please check to see if child support has been ordered in a child support enforcement action:
  - ▶ If you include a provision that child support will continue as ordered in the enforcement case, please verify an order has actually been entered for child support – the case may have been opened, but no order entered
  - ▶ If ongoing child support and/or child support arrears are addressed in the enforcement case & entered prior to any orders in a custody or divorce case, address these orders in your custody/divorce order. Unless otherwise addressed, the orders entered in the custody/divorce action will be interpreted as modifying the pre-existing enforcement order

# OTHER CONSIDERATIONS CONTINUED

- ▶ Example: *Temporary order for child support filed in custody/divorce action in April of 2024 which orders father to pay mother temporary support in the amount of \$530.00 – does not address provision of health insurance. Child support enforcement program opens child support enforcement action to determine who is to provide health insurance and, at hearing, reduces arrears to judgment. Final order filed June of 2024 in custody/divorce action orders father to pay mother \$500.00 per month in child support. Does not address arrears.*
- ▶ If the enforcement program has gone to court on an interim order issued in the custody/divorce action and taken a judgment, please address the ongoing and judgment in your final custody or divorce order

# OTHER CONSIDERATIONS CONTINUED

- ▶ Example: *Father ordered to pay child support in the amount of \$500, plus ½ of the cost of the children's health insurance premium, the entire cost for his health insurance premium, ½ of the children's daycare/child care costs, and ½ of the children's extracurricular activities for a total of \$1,000.00 per month.*
- ▶ Orders addressing the cost for pregnancy confinement, private school tuition, extracurricular activities, attorney fees, or property division equalizing payments will not be enforced through the child support enforcement program. If a judgment is entered that combines monies owing in categories that can be enforced with categories that cannot be enforced, unless a detailed breakdown of the costs is included, the judgment cannot be enforced. Also, it will be necessary to establish payment amounts for the categories that can be enforced separate from the payment amount for the other categories.

# OTHER CONSIDERATIONS CONTINUED

- ▶ Example: *Order filed June of 2024 awards primary custody to Father, finds that Mother has an obligation to provide support, but because she has not provided any financial information, refers Father to the child support enforcement program to establish an ongoing amount.*
- ▶ For orders indicating Obligor's income can't be determined and referring the parties to the child support enforcement program.
  - ▶ Include a start date for the program to use, otherwise the date the application for services was received will be used.
  - ▶ The enforcement program may or may not be able to locate income information for the Obligor
  - ▶ If the parties delay opening an enforcement case: even if Obligor's current income can be determinable, his/her prior income may not be determinable

# OTHER CONSIDERATIONS CONTINUED

- ▶ *Example: Mother submits an application for child support services to establish a child support obligation for Father. An action is initiated on May 1, 2024, Father is served with notice of the action, and a hearing is set for July 22nd. On June 15th a custody or divorce action is initiated and a CMC is set for August 15th. Father's attorney wants to continue the hearing set for July 22nd so that child support can be addressed at the CMC.*
- ▶ *Example: Same as above, both parties agree to vacate the July 22nd hearing and have child support decided at the CMC.*
- ▶ If there are hearings scheduled in a custody/divorce action and a child support enforcement action, unless the parties agree to continue the hearing scheduled in the child support enforcement action, it will not be continued. (NRS 425.385).
- ▶ The child support enforcement program may object to continuing the hearing if doing so results in non-compliance with Federal Timelines. 45 CFR 303.101.
  - ▶ 90 calendar days to establish an order for support from the day the noncustodial parent is located. 45 CFR 303.4
  - ▶ 180 calendar days to complete the review and adjustment process. 45 CFR 303.8(e)

# OTHER CONSIDERATIONS CONTINUED

- ▶ *Example: Mother and Father initially reside in Ohio, where their two children are born. Mother moves to Nevada with the children and files for divorce. Father agrees to submit to Nevada jurisdiction for the purpose of the custody/divorce action. Mother submits an application for enforcement services. Three years later, Mother wants a child support review hearing. Father is still residing in Ohio.*
- ▶ Out of State Child Support Orders (NRS Chapter 130)
- ▶ Personal (NRS 130.201): custody/divorce action may have jurisdiction, but jurisdiction may not exist for initiation of a child support enforcement action

# OTHER CONSIDERATIONS CONTINUED

- ▶ Example: *The State of Ohio enters a child support order, but custody is not addressed. Mother moves to Nevada with the children and files for divorce. Father remains in Ohio. The Nevada court enters orders for custody and support.*
- ▶ Subject Matter (NRS 130.205): If another state has issued an order and a party or child remains in that state, NV can enforce the out of state order, but does not have jurisdiction to modify.
- ▶ Emancipation: controlled by laws of State that issued first order (NRS 130.604)

# OTHER CONSIDERATIONS CONTINUED

- ▶ *Example: Order entered in custody/divorce action. Mother awarded primary custody. Court acknowledges that Father works a seasonal job where he makes more per month for the months of March through November and enters an order for Father to pay child support in the amount of \$750.00 per month for the months of March through November and \$300. 00 per month for the months of December through February.*
- ▶ NVKIDS set up to enter one monthly ongoing amount: not x amount for March through November and y amount for December through February.
- ▶ Child support is entered as a monthly figure. NVKIDS does not prorate.
- ▶ Health insurance: if obligor is ordered to provide and does not do so, it may trigger a possible driver's license suspension action



# OTHER CONSIDERATIONS CONTINUED

- ▶ *Example: Court enters order changing the prior order for joint physical custody (where Father owed Mother child support) and awarding Father primary. Does not address child support.*
- ▶ If order addresses custody, but does not address child support, a child support enforcement action will need to be initiated to establish a child support obligation for Mother and a hearing may need to be set to terminate Father's prior obligation.

# WHAT HAPPENS WHEN ALL REQUIREMENTS ARE NOT MET

- ▶ Missing information:
  - ▶ No start date for ongoing
    - ▶ agency will pick one (month order filed, month after order filed)
  - ▶ Sum certain for ongoing not set out
    - ▶ set hearing to determine
  - ▶ No provider of health insurance clearly identified
    - ▶ set hearing to determine
  - ▶ No payment amount for child support arrears:
    - ▶ set at 10% of ongoing
  - ▶ No payment amount for spousal support or medical expenses:
    - ▶ set a hearing to determine
- ▶ Can't be entered into state system as written
  - ▶ Parties directed to return to court that issued order to address

# FAMILY SUPPORT DIVISION, CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

- ▶ Number of cases: 44,000
- ▶ Staff: 240 County employees, 12 of which are attorneys (if all positions are filled)
  - ▶ Legal Phone Line: 702-671-9476      Adam Hughes: [adam.hughes@clarkcountydav.gov](mailto:adam.hughes@clarkcountydav.gov)
  - ▶ Email: [DAFSLegalGroup@clarkcountydav.gov](mailto:DAFSLegalGroup@clarkcountydav.gov)
- ▶ Judicial Officers/Hearing Masters: Jon Norheim & James Davis
- ▶ Family Mediation Center (for litigants who do not have a Family Court case)
- ▶ Refer Parties to Community Partners (Goodwill, DAD's Inc., Hope for Prisoners)
- ▶ Ask A Lawyer
- ▶ Clark County enforces cases using NRS 22 Contempt
- ▶ If an attorney wants to represent a party in an administrative case, send a letter of representation to obtain information and, if you have it, include the NVKIDS case number.
- ▶ If you'd like to appear in a case with a docket number, it's easy. Just file your Notice of Appearance. (Please provide courtesy copy to our office.)
- ▶ The IV-D program in Clark County utilizes case numbers beginning and ending in "R"
- ▶ If you attend court at the Child Support Center, a Master's Recommendation will usually be provided at the end of the hearing.
- ▶ Length of time to obtain a hearing: ordinary course is 35 days

# FAMILY SUPPORT DIVISION, WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE

- ▶ Number of cases: approximately 6000
- ▶ Staff: 40, including 2 attorneys, if all positions are filled
- ▶ Attorneys: Kathleen Baker 775-789-7111 [wkbaker@da.washoecounty.gov](mailto:wkbaker@da.washoecounty.gov)
- ▶ Tim Summers 775-789-7118 [tsummers@da.washeocounty.gov](mailto:tsummers@da.washeocounty.gov)
- ▶ Judicial officer: position open
- ▶ Judicial case numbers begin with FV
- ▶ Hearings are held via Zoom
- ▶ Do not enforce cases where Obligee is receiving TANF
- ▶ Length of time to obtain a hearing
  - ▶ If service of process has been accomplished: between 2 and 3 months
- ▶ All parties are supposed to sign up to become electronic filers
- ▶ Persons who have signed up to become electronic filers will receive the MFR or Judgment via Eflex after it has been signed and filed
- ▶ If parties have not signed up to become electronic filers, the court clerks will mail the initial MFR or the Judgment to them
- ▶ If there a child support enforcement action has been filed, in order to be added to NVKIDS as the attorney of record for a party or to receive efex notifications, you must file a Notice of Appearance
- ▶ If there is no legal action, an attorney wants to represent a party in an administrative case, must send a letter or an email regarding representation to [dafs@da.washoecounty.gov](mailto:dafs@da.washoecounty.gov). Include the parties' names, and, if you have it, the NVKIDS case number which has 10 digits and begins with the number 320
- ▶ This office does not use contempt proceedings
- ▶ Resources for unrepresented litigants:
  - ▶ Family Resource Center
  - ▶ Lawyer in the Library

# INFORMATION CHECKLIST

## 1. Ongoing Child Support

- ▶ Who pays
- ▶ Calculation (% +/- child care +/- health insurance)
- ▶ Monthly Amount
- ▶ Start date

## 2. Child Support Arrears

- ▶ Total owing
- ▶ Time period covered
- ▶ Amount of monthly payment

## 3. Health Insurance

- ▶ Name of party responsible for providing health insurance

## 4. Medical Expense Judgment

- ▶ Total owing
- ▶ Amount of monthly payment

## 5. Ongoing Spousal Support

- ▶ Monthly Amount
- ▶ Start and end date

## 6. Spousal Support Arrears

- ▶ Total owing
- ▶ Time period covered
- ▶ Amount of monthly payment


## 7. Wage Withholding: yes or no

# EXAMPLES OF BAD ORDER

- ▶ Mom will pay Dad \$500 in child support every month beginning 8/2023. If mom cannot bring the minor to visit during the month, mom agrees to send an additional \$300 to dad for transportation costs.
- ▶ Dad earns \$42.08/hour his GMI is \$7,666, his child support is \$855/month when he is working and \$300/month when he is not working (based on GMI \$1,700 from unemployment benefits)
- ▶ Dad's child support is set at \$855/month beginning the month after Mom moves out of the home. If mom moves out the 1<sup>st</sup> of the month, child support is \$855 for the whole month. If Mom moves out by the 15<sup>th</sup> of the month, child support is \$855 for the month. If Mom moves out after the 15<sup>th</sup> of the month, then child support is prorated.
- ▶ Dad's child support obligation of \$300/month shall be payable by Zelle.

# CHILD SUPPORT CALCULATOR

<https://nvchildsupportguidelinescalculator.azurewebsites.net/getobligation.aspx>

 **Nevada Child Support Guidelines Calculator**  
A free web application tool to calculate the child support guidelines obligation.

**Joint/Mixed Custody** Switch to Primary Clear

Calculation Year:

Respondent's Gross Monthly Income:   
Children in Petitioner's custody:

Petitioner's Gross Monthly Income:   
Children in Respondent's custody:

**Petitioner's Obligation: \$ 110** Calculate Copy

Respondent's Gross Monthly Income: \$3,500.00  
Number of Children: 2

Tier 1 ( $\$3,500.00 \times 22.00\% = \$770.00$ )  
Obligation amount is \$770.00.

Petitioner's Gross Monthly Income: \$4,000.00  
Number of Children: 2

Tier 1 ( $\$4,000.00 \times 22.00\% = \$880.00$ )  
Obligation amount is \$880.00.

Petitioner's Obligation: ( $\$880.00 - \$770.00$ ) = \$110.00

# Securing Post Divorce Equalization Obligations

**2024 Family Law Conference**

**September 27, 2024**

**Presented By:**

**Shay L. Wells, Esq.  
Woodburn and Wedge  
6100 Neil Road, Suite 500  
Reno NV 89519  
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# Overview

- The use of a separate promissory note for equalization obligations
- Collateral options
- Manner of obtaining a security interest
  - Attachment
  - Perfection
- Enforcement
- Questions

# Benefits of having collateral security

- So there is a fixed asset(s) available to foreclose upon in the event the payor fails to pay
  - The Court maintains continuing jurisdiction to modify a property division order (including an equalization payment obligation) pursuant to NRS 125.150(3) and, if applicable, 125.150(7)
  - Pressure: collateral security gives our client an alternative, fast, speedy, non-judicial enforcement mechanism that puts a particular asset at risk

# When should we be considering collateral security options?

- Property division-based equalization payment
- What about alimony?
  - Not helpful to secure future performance in the payment of alimony because (except with respect to arrears) alimony is a future obligation (calculated based on past earnings) to be paid on future earnings and is therefore subject to modification

# Straw Poll

- How many of you utilize a separate promissory note to document a payor spouse's obligation to pay an equalization sum?

# What does a promissory note really get my client?

- Negotiability
- For purposes of this presentation, all you really need to know is this:

A decree of divorce and, 99.999% of the time, an MSA, are not a Negotiable Instrument and therefore are not subject to the requirements of Article 3 of the UCC. But a promissory note is. One of the benefits of a traditional Promissory Note is that it is a Negotiable Instrument that can be transferred, monetized, invested in, etc. All things we don't care about at all with respect to an equalization payment.

# Does a promissory note get us anything we do care about?

- Defined payment terms and obligations:
  - Fixed amount
  - Specific payment terms
  - Interest rate (variable, if so, how calculated)

# Does my client need a promissory note?

- In my opinion, the answer is “No” but with one **very** important caveat
- If you do use one for your payee client, make sure to waive the Article 3 payor rights: presentment, protest and demand, notice of protest, demand and dishonor, and nonpayment
- The important caveat is that of “acceleration.” You are doing your clients a complete disservice if your equalization payment obligation-creating (i.e., MSA) or evidencing (i.e., promissory note) document does not have an acceleration clause. In the event the payor spouse fails to make a payment and is placed in default (more on this to follow), the payee must have the ability to accelerate the entire equalization balance due. Otherwise, the payee is incurring the same attorney fees and costs to pursue only those payments required as and when they become due.

# Identifying the Collateral to serve as Security

Generally, the asset giving rise to the equalization payment obligation will serve as the collateral

- Example: W is being awarded the marital residence. H and W have very little as far as other assets to offset the value of the equity in the marital residence being awarded to W. W agrees to pay an equalization payment equal to one-half the value of the equity in the marital residence. It probably makes sense for the marital residence to serve as collateral for the equalization payment.



# Identifying the Collateral (examples continued)

- Example: W owns a consulting business. The parties obtain a valuation or otherwise agree upon the value of that business. The business is awarded to W, and W agrees to pay an equalizing sum to H equal to one-half the value of the business. If there aren't other assets to offset the value of the business, it probably makes sense for "the business" to serve as collateral for the equalization payment.
- Example: H is a commercial driver operating as a sole-proprietor who owns a semi-truck used in the sole-proprietorship free and clear of any purchase-money security interests or other debt financing. It's possible that the semi-truck might be nearly as valuable as all the other tangible and intangible property (i.e., the license, trailers, tie-downs and other limited ancillary personal property, and goodwill) associated with H's sole-proprietorship. Assuming the assets associated with H's sole-proprietorship are being awarded to H, it probably makes sense for the semi-truck to serve as collateral for H's equalization obligation to W.

# Ownership Pitfalls for the Unwary

- Perhaps the most-overlooked issue in securing post-divorce equalization obligations is the use of assets actually belonging to third parties as collateral
- Example: If H and W own a rental property in an LLC for asset-protection purposes, it's very common for lawyers other than the most annoyingly ticky-tacky transactional attorneys to basically disregard the LLC and speak in terms such as “the rental property located at 6100 Neil Road is awarded to H, and in exchange therefor, H shall assume and indemnify W from any liability on the existing note and deed of trust and pay W an equalizing payment of \$250,000.” Although the Court may have jurisdiction over H and may even be able to compel H to take certain actions with respect to his ownership in and management of the LLC as a result of its jurisdiction over him, the LLC **is a separate and distinct legal person**. Thus, if the parties intend for the rental property to serve as collateral for H's equalization obligation to W, the LLC is going to have be involved.

# Be involved?

- The LLC is either going to have to be made a party to the case subject to the Court's jurisdiction, or it is going to have to be made a party to the settlement or other divorce-resolving agreement
- Don't overlook the requirement of consideration. The LLC cannot pledge its asset(s) as collateral without an underlying obligation. Thus, if the LLC isn't a party to the divorce case (or there isn't a divorce case at all) and you're going to resolve the matter via a settlement agreement, the LLC will need to sign a personal guaranty (creating an obligation for which it can pledge its asset(s) as collateral).

# Obtaining a Security Interest

- Obtaining a Security Interest generally has two requirements/steps:
  - 1. Attachment
  - 2. A perfection step

# Quick Recap

- Identify the property to serve as security (the collateral)
- Ensure we have the correct party to transfer a security interest in that collateral
- Ensure the owner of the collateral has given value (has an underlying obligation)

# Attachment

- What Article 9 of the UCC calls the process of identifying the personal property to serve as collateral for an underlying obligation
- Accomplished by a Security Agreement of some kind

# Security Agreement

- Example: A security agreement for an interest in real property is a Deed of Trust.
- Example: A security agreement for an interest in a security or general intangible (such as membership interest in an LLC) is generally a Pledge Agreement.
- The security agreement utilized to attach a specific piece of collateral might be the settlement agreement itself. Example:

To secure his obligation to pay the Equalizing Sum, H agrees to grant a security interest in that certain 2020 [Make], [Model] semi-truck identified as VIN: [000000000000].

# Terminology

- The person pledging an interest in collateral as security for an underlying obligation is called the “Debtor”
  - “Trustor” under a Deed of Trust
  - “Pledgor” under a Pledge Agreement
- The person to whom the collateral is pledged is called the “Secured Party”
  - “Beneficiary” under a Deed of Trust”
- The person promising to perform an obligation is called an “Obligor”
- The person to whom an obligation of performance is promised is called an “Obligee”



# Perfection

- Once the Secured Party's security interest in the Debtor's collateral has attached (adequately identified the property serving as collateral), the Secured Party must formalize and give notice to the world of its security interest—this formalization and providing of notice step is what Article 9 refers to as “Perfection”
- “Perfection” comes in numerous shapes and sizes
- We'll focus on just a few of the most common

# Perfection Types

- Recording: The method of perfecting a security interest (lien) in real property is by recording the deed of trust in the office of the county recorder in the county where the real property is located.
- Filing: The method of perfecting a security interest in the vast majority of tangible and intangible personal property is by filing a document called a financing statement (identified as a “UCC-1”) in the applicable state UCC filing office—generally the office of the Secretary of State (Nevada).
- Certificate of Title: For personal property covered by a certificate of title (such as a vehicle), the only method to perfect a security interest is by notating the Secured Party’s security interest on the certificate of title.
- Possession: The method of perfecting a security interest in certificated securities (such as stock reflected on a share certificate) is by taking possession of the certificate.

# Priority

- Perfection is also important because it (broadly speaking) establishes a creditor's place in line with respect to satisfaction of an obligation due from the Debtor's property (this is called "Priority").
- A word of caution: Inaccurate legal advice regarding the perfection of a security interest is malpractice. In addition to giving accurate advice, be extremely careful to be clear what obligations you assumed in association with your representation. Did you agree to only assist your client with attachment of the security interest? Or was perfection included as well? If you only agreed to assist with attachment (i.e., noting the property to serve as collateral for an obligation) that fact had better be in writing along with an explanation of the potential consequences for not perfecting (loss of priority, which could make the security interest itself worthless). Because it's completely reasonable for a client to believe you're handling everything necessary for them to obtain an enforceable security interest.

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# Enforcement

Default. Before enforcement options and considerations are even on the table, the Secured Party must ensure that the Debtor is in incurable default. There are three primary considerations with respect to the determination of whether the debtor is in incurable default.

- Material breach
- Notice provided in the manner required under **both** the equalizing payment obligation-creating document (i.e., the MSA, promissory note, or even, potentially, decree of divorce) **and** the attachment document (i.e., security agreement, pledge agreement, or deed of trust). In the case of a deed of trust specifically, applicable statutory requirements must also be complied with.
- Satisfaction of applicable cure periods following notice.

# Disposition of the Collateral

The manner and methodology for disposing of collateral to satisfy the Debtor's obligation to the Secured Party varies based on the particular type of collateral.

- Real Property. Work with a title company offering trustee's sale services or a third-party trustee's sale company to follow the process outlined in NRS chapter 107 (notice of default, trustee's sale, trustee's deed). Must have insurable title at the completion of the process (a Trustee's Sale Guaranty).
- Personal Property perfected by a filing. The Secured Party may obtain possession of the collateral (generally with court assistance) and must thereafter dispose of the collateral via a commercially reasonable public or private sale, following reasonable notice.
- Vehicles (Certificate of Title). Repossession followed by commercially reasonable sale.
- Certificated Securities. If no market, look for put options to corporation for redemption.

# Sounds Difficult

- The good news is that it rarely comes to the point of actual enforcement and that judicial options (writ of possession, TRO) are available to assist the Secured Creditor in obtaining possession of collateral.
- There are numerous private options and third-party providers who can assist with a secured party's enforcement.

# Securing Post-Divorce Equalization Obligations

Please feel free to contact me with any questions:

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- Any questions?



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**Parental Alienation, Estrangement, Alignment, Affinity ...**  
**Also known collectively as**  
**Parent-Child Contact Problems (PCCPs)**

Presentation to the Nevada Bar Association Family Law Conference  
South Lake Tahoe, Nevada Friday, September 27, 2024, 11:30 a.m. – 12:30 p.m.

Regardless of the title used, these issues are among the most common and emotionally charged in family law. Allegations of parental alienation by one parent against the other will create firestorms of controversy that will cause significant anxiety, frustration and anger in parent-litigants. This not a new topic, it's been around for many years.

Undoubtedly each of you has represented parents alleged to have “alienated” the children from the other parent and have probably represented parents who alleged they've been alienated against by the other parent.

Today, I want to go through an interesting exercise with you. I want to simply listen because much of the information makes sense – when we are talking about the objects of the attempts to influence the children. I want you to listen to how mental health professionals should try to understand the children's reactions to the parental behaviors.

Let me repeat – understand the children's reactions to the parental behavior.

Parental alienation is an unjustified reluctance or refusal by a child to visit the rejected parent, primarily due to the influence of the favored parent in a high conflict separation and divorce.

We know that children are more suggestible than adults, and repeated denigrating, demeaning and derogatory comments from a parent may result in distortion of a child's perceptions and memories, or even in reports from a child about events that did not actually occur. This level of disorganized thinking is serious and does not get better with time.

But before we jump into that, I know that lawyers love case law and insightful, well-written decisions that provide clarity and wisdom.

As well, psychologists and mental health professionals like theory, experimental design and levels of statistical significance to convey the inferential strength of our results.

So, first where to get your information on what PCCPs are:

What I believe is the one of the best articles written on these issues. It is from 2001, but it still my “go-to”.

**Joan B. Kelly & Janet R. Johnston, "The Alienated Child: A Reformulation of Parental Alienation Syndrome" (2001) 39 Fam. Ct. Rev.**

Kelly and Johnston conceptualized the types of relationships between parents and child post separation issues as occurring on a spectrum that where a child’s attitude to the parent can be characterized as affinity, alignment, alienation and justified estrangement

There are also cases where post-separation one parent, most often a father, ceases to want contact with the child, perhaps due to his relocation or new relationships; while the “disappearing dad” is a significant social concern, often causing children to feel rejected, it is not regarded as a legal issue, as there is no effective court-imposed remedy that can address these cases.

Children may enjoy doing different activities with each parent, but generally want to have significant involvement with both. Although having a strong relationship with both parents requires that a child spends significant time with each parent on a regular basis, it does not require an equal parenting time arrangement.

**Affinity** with one parent occurs when the child, due to their “temperament, gender, age, shared interests, sibling preferences of parents and parenting practices”, may prefer to reside or spend more time with one parent, but is not rejecting the other parent. **Affinity is distinguished from alienation because, although the child has a preference for spending more time one parent, they still wish to have a good relationship with the other, and the preferred parent is supporting this continued relationship.** Affinity, may, for example reflect an adolescent boy’s desire to spend more time with a father who is actively involved in sports the child plays. As children move towards adolescence, it is a part of normal development for peer relationships, school and extra-curricular activities to become more important.

As they grow older, some children who have been in an equal parenting time arrangement at a younger age may want to change to having a “home base” and spending more time at the residence of one parent who might live closest to school or various activities or friends, or the parent who is most supportive of certain activities. A parent who may be seeing less of their children whose interests are changing should not view this as “parental alienation.” Actually, inappropriate responses to children’s changing needs and interests may contribute to a child’s estrangement from the parent.

**Alignment** occurs when there is an “an alliance with one parent,” and the child only wants limited contact with the other parent, and expresses feelings of “anger, sadness and

love” towards that parent. This alliance often occurs because the child has “chosen sides” in a separation, based on their opinion of which parent caused the for separation (infidelity, substance abuse, etc.) or because there was a great deal of conflict in the family prior to separation. The child may have already preferred the aligned parent prior to the separation and this preference may be intensified by the separation. Although aligned children do not wish much contact with the other parent, they are not alienated because they still express love and other positive emotions towards the other parent and their extended family.

**Realistic estrangement** is different than parental alienation because the child has a valid reason to not want a relationship with the rejected parent. There may be a history of abuse or violence in the spousal relationship that results in a child fearing the rejected parent, or the rejected parent may have significantly deficient parenting abilities, or serious addiction or mental health issues. In some cases, the child may reject a parent who is instigating conflict with the other parent.

Other important references:

Judge, A. M. and Deutsch, R. M., Eds. *Overcoming Parent-Child Contact Problems: Family-Based Interventions for Resistance, Rejection, and Alienation*. New York: Oxford University Press, 2017.

M.J. Sullivan & J.B. Kelly, "Alienated Children in Divorce: Legal and Psychological Management of Cases with An Alienated Child" (2001), 39 *Fam. Ct. Rev.* 299, at 311.

Fidler B. & Bala, N. (2020), "Concepts, Controversies, and Conundrums on 'Alienation': Lessons Learned in a Decade and Reflections on Challenges Ahead" *Family Court Review*, 58(2), 576-603

Kline Pruett, M., Johnston, J.R., Saini, M., Sullivan, M., and Salem, P. (2023), The use of parental alienation constructs by family justice system professionals: A survey of belief systems and practice implications, *Family Court Review*, 61, 372-394.

Bernet, William, and Laurence L. Greenhill. "The five-factor model for the diagnosis of parental alienation." *J. Am. Acad. Child Adolesc. Psychiatry* (2022).

Bala, Nicholas C. and Birnbaum, Rachel and Farshait, Jessica, *Children Resisting Contact & Parental Alienation: Strategies for Lawyers in High Conflict Parenting Cases* (March 20, 2024). Queen's University Legal Research Paper Forthcoming, Available at SSRN: <https://ssrn.com/abstract=4839167> or <http://dx.doi.org/10.2139/ssrn.4839167>

An increasing number of high conflict separations involve children resisting contact with a parent, often with conflicting claims of parental alienation and family violence. These cases pose significant risks of harm to children, as well as major challenges for courts and

family justice professionals. Parental alienation is controversial, and some critics, like the National Association of Women and the Law, condemn it as a “pseudo-scientific” concept that should not be used in family proceedings. However, parental alienation continues to be widely used by judges, lawyers and parenting evaluators in Canada, and has significant support in social science literature. While useful, alienation is often misused, including by abusive men. Assessment of cases of children resisting contact with a parent are often complex, with multiple interacting fact

A few other oldies, but goodies:

Richard Warshak, "Bringing Sense to Parental Alienation: A Look at the Disputes and the Evidence" (2003), 37:2 Fam. L.Q. 273, at 282.

Stahl, P. M. (1999). *Complex Issues in Child Custody Evaluations*. Thousand Oaks: Sage Publications.

And I know that attorneys look for the case law in their own jurisdictions but also in others that may drive home a point. So ...

Chadwick, G. and Sloan, S. (2023). Coercive Control in High Conflict Custody Litigation. *Family Law Quarterly*, 57, 1, 31-51.

This is a newer article that many of you have read. There are excellent definitions included that may be assistive, but also clarifications of what may or may not be certain behaviors often associated with alienation. It's very helpful in determining whether a parent may be trying to “alienate” a child from the other parent, whether the “bad” parent’s actual behavior is bad and is causing the child to stay away, or whether the “bad” parent is not bad at all, the “good” parent is engaging in the denigration for their own selfish and clearly not best interest issues

In *Bors v. Beleuta*, 2019 ONSC 7029, Van Melle J. approved of a **definition of parental alienation proposed by Dr. Michael Stambrook**:

“It is a descriptive term that refers to a process. It is not a diagnostic label. It doesn't appear in any nomenclature about mental health disorders. It is a descriptive term that refers to a process where there is a systematic devaluation, minimization, discreditation of the role of, typically the other parent in a parental dyad. One parent systematically, through a variety of physical, emotional, verbal, contextual, relational set of maneuvers systematically reduces the value, love, commitment, relationship, involvement of the other parent by minimizing, criticizing, devaluing that parent's role. It can involve children having their sense of history being "re-written" by a parent's redefinition of history, reframing things, repetitively talking about things. It can involve sometimes very subtle and sometimes not so subtle suasion, coercion, direction, misrepresentation and so

on. So parental alienation is a process, an interactional process where systematically one parent's role in, for the children is eroded over the course of time.”

In the Ontario case *Giroux v. Giroux*, [2013] O.J. No. 349 at para 5. Bala, Birnbaum & Farshait, *Children Resisting Contact*

Mother refused to allow the children to visit with their father, which caused “considerable stress” for the children. the judge found that the children, aged 11 and 17 years, no longer wished to have a shared time residential schedule and transferred sole custody to the father because mother was instigating constant conflict with the children and father regarding drop off times and locations. The judge characterized the mother as the “author of her own misfortune. By her own actions she has ‘driven a wedge’ between herself and her children.”

When an alienated child is interviewed about their reluctance or refusal to visit the rejected parent, their reasons for not wanting to do so often sound rehearsed and may include statements or (mis) information that could only have been provided by the favored parent. Often the alienated child will appear to feel no reluctance or guilt about their rejection of their parent, and they may even give the appearance of obtaining satisfaction from the rejection of the parent. In true alienation cases, the favored parent is undermining the child’s relationship with the other parent, at least subconsciously. There are ways in which an alienated parent can further intensify the rejection. For example, rejected parents (who are usually fathers) may lack the ability to show empathy towards their child, demonstrate warmth, and appreciate and respect their child’s point of view, or try to induce a sense of guilt in the child.

In a 2021 Ontario decision in *S. v. A*, the court made a finding of alienation and ordered a custody reversal. Justice McGee explained that **when a parent is unwilling to support the development and maintenance of a child’s relationship with the other parent, and [that parent] has no insight into the resulting emotional harm caused to their child ... Whether passively permitted or actively encouraged, a child who rejects a parent is parallelly empowered to reject other important people in his life. He is taught to avoid difficult feelings instead of how to cope with them and to work through them. He suffers an emotional impairment that deprives him not only of the love and protection of a parent, but of a wide array of complex social relationships.**

In *Bouchard v. Sgovio*, 2021 ONSC 1055, Hughes J wrote, at para 53 (aff’d 2021 ONCA 709)

It takes many years of training and experience to be able to identify the sophisticated nature of the manipulation typically engaged in by parents with tendencies toward alienating their children, and it takes considerable insight and discernment to differentiate between those cases that present as possibly justified estrangement vs. alienation. In order to do so, it is often necessary to scrutinize parental behavior over many months, even

years. It is not possible to accurately do so by observing what amounts to a snapshot in the family's lifetime, or by giving the dominant parent more audio time. We must guard against our human nature to start to believe a certain narrative simply because we hear it repeated often.

And last, but not least --- **An order is an order, not a suggestion. Non-compliance must have consequences.**

Other articles of interest:

From Bernet, William, and Laurence L. Greenhill. "The five-factor model for the diagnosis of parental alienation." *J. Am. Acad. Child Adolesc. Psychiatry* (2022).

By the start of the twentieth century, courts recognized that during post-separation an embittered parent might try to “poison the mind” of their child towards the other parent, but it was only in the 1980s that the American psychiatrist Richard Gardner proposed the concept of Parental Alienation Syndrome (PAS), defining it as: a disorder that arises primarily in the context of child-custody disputes. Its primary manifestation is the child's campaign of denigration against a parent, a campaign that has no justification. It results from the combination of a programming (brainwashing) parent's indoctrinations and the child's own contributions to the vilification of the target parent.

Gardner believed that the alienating parent, almost always the mother according to him, was motivated by a concern with gaining sole custody and excluding the other parent from the child's life.

Gardner believed that alienation was often accompanied by the mother making unfounded allegations of sexual abuse against the father to reinforce her position. While the idea of “parental alienation” is now widely accepted, Gardner's formulation of Parental Alienation Syndrome was controversial, as it focused only on the alienating parent and child and suggested that a clinician could diagnose this “disorder” in a child.

Although some mental health professionals adopted Gardner's model and advocated for inclusion of “parental alienation syndrome” as a mental disorder in the Diagnostic and Statistical Manual of Mental Disorders 5, the American Psychiatric Association decided not to include this condition, in part because it is not an empirically validated “syndrome,” defined as a collection of symptoms that have a “commonly recognized, or empirically verified pathogenesis, course, familial pattern or treatment selection.”

Dr. Barbara Jo Fidler, psychologist in Toronto, Ontario, Canada, is a leader in this field.

Her testimony in the 2009 case of *AGL v. KBD*, where she set out common characteristics of the child, the favored parent, and the rejected parent.

Justice McWatt quoted Dr. Fidler at length:

### Child Behaviors

- View of parents one-sided, all good or all bad; idealizes one parent and devalues the other.
- Vicious vilification of target parent; campaign of hatred.
- Trivial, false and irrational reasons to justify hatred.
- Reactions and perceptions unjustified or disproportionate to parent's behaviors.
- Talks openly to anyone about rejected parent's perceived shortcomings.
- Extends hatred to extended family and pets (hatred by association).
- No guilt or ambivalence regarding malicious treatment, hatred, etc.
- A stronger, but not necessarily healthy, psychological bond with alienating parent than with rejected parent.
- Anger at rejected parent for abandonment; blames him/her for divorce.
- Speech is brittle, a litany; obsessed; has an artificial quality; affect does not match words; no conviction; unchildlike, uses adult language; has a rehearsed quality.
- Stories are repetitive and lacking in detail and depth. Mimics what siblings report rather own stories.
- Denial of hope for reconciliation; no acknowledgement of desire for reconciliation.
- Expresses worry for preferred parent, desire to care for that parent; or defensive denial that child is indeed worried about parent.

### Alienating Parent Behaviors

- Allows or insists that child makes decisions about contact.
- Rarely talks about the other parent.
- Uninterested in child's time with another parent after visit.
- No photos of target parent; removes reminders of the other parent.
- Gives a cold shoulder, silent treatment, or is moody after child's return from visit.
- Refusal to hear positive comments about rejected parent; quick to discount good times as trivial and unimportant.
- Tells child fun things that were missed during visit with another parent.
- No encouragement of calls to other parent between visits; rationalizes that child does not ask.
- Indulges child with material possessions and privileges.
- Sets few limits or alternatively is rigid about routines, rules and expectations.
- Refuses to speak directly to parent; refuses to be in same room or close proximity. Does not let target parent come to door to pick up child.
- No concern for missed visits with other parent.
- Makes statements to professionals and then denies what was said.
- Body language and nonverbal communication reveals lack of interest, disdain and disapproval.
- Engages in inquisition of child after visits.
- Rejected parent is discouraged or refused permission to attend school events and activities.
- Telephone messages, gifts and mail from other parent to child are destroyed, ignored or passed on to the child with disdain.

- Distorts any comments of child that might justify accusations.
- Doesn't believe that child has any need for relationship with other parent.
- When child is with other parent and calls and is quiet or non-communicative, parent wrongly assumes pressure from target parent, or that child is not comfortable with target parent; evidence of bad parenting; does not appreciate that child is uncomfortable talking to alienating parent about target parent.
- Portrays other parent as dangerous, may inconsistently act fearful of other parent in front of child.
- Exaggerates negative attributes of other parent and omits anything positive.
- Delusional false statements repeated to child; distorts history and other parent's participation in the child's life; claims other parent has totally changed since separation.
- Projection of own thoughts, feelings and behaviors onto the other parent.
- Does not correct child's rude, defiant and/or omnipotent behavior directed towards the other parent but would never permit child to do this with others.
- Convinced of harm, when there is no evidence.
- False or fabricated allegations of sexual, physical and/or emotional abuse.
- Denigrates and exaggerates flaws of rejected parent to child says other parent left "us," divorced "us" and doesn't love "us."
- Over-involves child in adult matters and litigation.
- Child required to keep secrets and spy or report back on other parent.
- Child required to be messenger
- Overt and covert threats to withdraw love and affection from child unless other parent is rejected.
- Extreme lack of courtesy to rejected parent.
- Relocation for minor reasons and with little concern for effects on child.

#### Parental Behaviors of Target Parent that Make Alienation More Likely

- Harsh, rigid and punitive parenting style.
- Outrage at child's challenge to his/her authority.
- Passivity or withdrawal in face of conflict.
- Immature, self-centered in relation to child.
- Loses temper, angry, demanding, intimidating character traits, but not to level of abuse.
- Counter-rejecting behavior.
- Lacks empathic connection to child.
- Inept and unempathetic pursuit of child, pushes calls and letters, unannounced or embarrassing visits.
- Challenges child's beliefs and/or attitudes and tries to convince them otherwise.
- Dismissive of child's feelings and negative attitudes.
- Attempts to induce guilt in child.
- May use force to reassert parental position.
- Vents rage and blames alienating parent for brainwashing child and takes no responsibility.



While this list is a helpful tool, not all these factors will be present in every case where there is parental alienation, and it is necessary to consider the frequency and intensity of these behaviors as well as their presence. There is also little empirical research to assist mental health professionals in their analyses of the different factors or behaviors and the challenges of exploring these individual factors or behaviors from a systems perspective (i.e., child-parent, child, parent A versus parent B)

So, now let's begin the exercise ...