

Lyn R. Greenberg, Ph.D., ABPP
10801 National Blvd., Ste. 220
Los Angeles, CA 90064
310/399-3684 fax 310/988-
2706
lyn@lyngreenbergphd.com
<http://lyngreenbergphd.com/>

**CONSIDERING CHILDREN'S DATA AND REPORTED OPINIONS-
SUGGESTIONS FOR MINOR'S COUNSEL, JUDICIAL OFFICERS**
AND MENTAL HEALTH PROFESSIONALS**

I. BEFORE YOU START

- A. Think of several possible explanations for the allegations or concerning behaviors that have been reported to you**
1. If an allegation of abuse has been made, note:
 - a. Possibilities consistent with abuse
 - b. Explanations that would not involve abuse, or that would be more complex than the allegations presented
 2. Reasons for parental conflict
 3. Possible reasons that a child may take sides, or express a visitation or custody preference
 - a. Explanations consistent with estrangement or difficulties in a relationship with a parent
 - b. Explanations consistent with exposure to parental conflict, exposure to adults' emotional needs, or feeling pressure to take sides
 - c. Explanations consistent with developmental issues, such as a desire for more involvement with peers, a voice in family decision making, or extracurricular activities
- B. Brainstorm questions, or information you might gather, that would allow you to investigate these possibilities**

C. Identify some problem-solving strategies that you might expect parents/children to consider or attempt, before seeking litigation

II. Avoid asking the child for conclusions, or to “keep score.” Consider children’s stage of development, and the skills they should be developing in order to function successfully.

- A. External influence is more likely when a child is asked for conclusions
- B. Children who are asked for an opinion on the final result will often do so based on their stage of development. For example:
 - 1. 9-year-olds will often suggest that they be “cut in half” because they have been taught that this is what is “fair”
 - 2. Young children often have a distorted sense of time
 - 3. Adolescents:
 - a. may express conclusions impulsively
 - b. may favor avoidance rather than resolving problems
 - c. may express conclusions because they have been told that they can, or should, direct the outcome of the custody conflict
 - d. may communicate in a more emphatic style than their experiences would support
 - e. may be capable of abstract reasoning, ambivalence, discussion of complexities and consequences for various options, and expression of a well-reasoned preference
- C. Asking children the underlying questions is more likely to lead to a valid result
- D. Most children are initially tempted to avoid dealing with problems rather than resolve them. Is the child doing this? What is the child’s response when you explore this possibility?

III. Ask descriptive questions - develop your assessment from the underlying information. Even very young children may be able to provide accurate information about these issues, or at least about their experience of them.

- A. What does the child like and dislike about time with each parent? Be sure to ask each question regarding each household - it is noteworthy if the child cannot (or will not) identify each type of experience for each household.
- B. Ask the child to describe daily routines with each parent
 - 1. Morning routines
 - 2. Meals

3. Homework
 4. What they do for fun?
 5. Bath time (young children)
 6. Bed time (young children)
- C. Ask older children and adolescents about participation in activities, access to peers, participation in family decision making. Adolescents who request custody changes may really be concerned about these issues, which may be better resolved through counseling or parent education, or agreement of the parents once they understand the adolescent's concerns.
1. How are decisions made about how to spend the time with each parent?
 2. Does the child get to spend time with peers from both homes?
(How does this work? Instant messages? cell phones?)
 3. Do both parents support after-school activities?
 4. How are decisions made about "fun time?"
 5. How are academic difficulties and responsibilities handled?
 6. Does the child tell both parents about school activities? Invite them both to school events? Request that both parents support attendance at parties or events occurring on that parent's time? How does each parent respond when given this information? How do the parents communicate about these issues? Does the child tell either parent about such activities at the last minute? Has the child ever tried providing this information further in advance?
- D. Problem solving, awareness and handling of conflict
1. What does each parent do when angry, happy, sad, upset, anxious?
Ask the child to describe a conflict between parents, and/or between the child and each parent.
 2. How can the child tell when a parent is angry, happy, sad, upset, anxious?
 3. If an adolescent or older child is upset, angry, or estranged from a parent, what has he or she done to resolve the problem? Has he or she talked with the parent, in or out of therapy? What has the result been?
 4. What do the parents agree about? What do they disagree about?
 5. How does each parent talk about the other parent?
 6. What happens in each parent's home when the other parent calls?
 7. What happens in each parent's home when the child misses the other parent?
 8. If there is conflict and no direct problem solving has been attempted, why not? Does the child/adolescent have concerns about the parent's

reaction? Has the child or adolescent ever tested those concerns, or expressed them to a therapist? Is the child/adolescent resistant to even attempting constructive problem solving? If so, why?

IV. **Cautions when Dealing with Allegations of Abuse or Violence**

****Professional consultation is often essential here. Poorly conducted interviews yield poor information and may complicate any future evaluation or attempts to protect the child.**

- A. It may be helpful to find out if the child knows why he or she is talking to you. What has either parent told him/her?
- B. Allegations of violence/abuse cannot be adequately assessed out of context. Many of the questions suggested above may lead to a more valid and/or spontaneous discussion of any problematic/abusive incidents than will be generated from specific or leading questions.
- C. If an allegation of abuse is made, request general descriptions before considering direct questions. Multiple hypotheses are essential.
- D. Interview complications multiply when you are dealing with a very young child, a child at the center of parental conflict, or a child with a complex interview history or a history of repeated interviews. Adequate rapid assessment may not be possible in these cases; and will at least require a skilled and experienced professional

V. **Cautions when dealing with research, professional testimony, or personal experience with children**

- A. Research results may appear to conflict, but often reflect differences in how the study was performed - controlled studies are not always possible, but some research results will be more relevant to each case than others.
- B. Mental health professionals should be able to describe their methods and the specific statements or behaviors that led to their opinions. They should be able to describe data that supports conclusions other than the ones they have reached, and how they selected the data that they relied upon.
- C. Common sense and developmental knowledge have a role, but with caution
 - children at the center of conflict may not have the same needs, experiences or abilities as children in one's own life. Use caution in "grafting" expectations from healthy populations to children of high-conflict parenting disputes

- Emphatic communication is not the same as a well-reasoned preference; often, more is learned by understanding the minor's knowledge of conflicting feelings and likely consequences
- Has constructive problem solving been attempted?
- Is anyone swatting flies with bazookas?
- What will the child learn from whatever you decide? How will he or she cope with other problems in relationships?

**It is understood that judicial officers may or may not be "interviewing" per se; however, these questions/issues may also be helpful in considering interview data gathered by others, or in considering a child's testimony. If these issues haven't been considered, there may be reason to question the reliability of the information

Adapted and expanded from: Lyn R. Greenberg and Leslie M. Drozd, "General Interviewing Suggestions for Minor's Counsel. Presented as part of: Levanas, Hon. Michael I., Greenberg, Lyn R., Drozd, Leslie M., Rosen, Pauline. (2004). ***When Allegations of Abuse Arise: Special Considerations for Minor's Counsel.*** Minor's Counsel in Family Law, Los Angeles County Bar Association Family Law Section Training, December, 2004.