

The best interests of the village children

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This article tracks a practicing forensic psychologist's efforts to develop a scientifically based framework for doing child custody evaluations. To apply knowledge from the field of developmental psychology to questions considered by the courts, a search was made for an empirically validated list of effective parenting behaviors. Contrary to expectations, no such list was found. A new developmental theory, group socialization theory, suggests that this is because parents are much less influential than has been assumed. Implications for child custody evaluators are explored. Other psychologists, particularly child development researchers, are encouraged to comment.

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What is forensic psychology? It is the application of scientific principles and practices to the adversary judicial process by especially knowledgeable scientists.¹ With this in mind, I expected to find that child custody evaluations involve the application of scientific knowledge from the field of developmental psychology to issues considered in family court. As I have aspired to broaden my knowledge in the field of forensic psychology to include child custody evaluations, I took a college course in developmental psychology and attended professional workshops on how to do custody evaluations. I expected to be presented with a model that identified a) parenting skills or behaviors that lead to better child development, b) tools and techniques for assessing those skills and behaviors, and c) a way to communicate this specialized knowledge to judges making decisions regarding children's best interests. That did not happen.

The course in child development did not yield an empirically grounded list of effective parenting skills or behaviors. The professional workshops provided tools and techniques for assessing parenting skills and behaviors, but *which* skills and behaviors to assess came from a consensus of evaluators rather than from a review of research literature. Inquiries to psychologists conducting child custody evaluations did not produce such a list. As I began to explore the literature on developmental psychology first hand, I continued not finding a list of effective parenting skills or behaviors. Instead, I found a literature review reporting that there is no such list, along with a theory that predicts that there will never be such a list and explains why.

The theory is that of Judith Rich Harris. She ends her 1995 article in *Psychological Review*² with an African saying that has since become a cliché: "It takes a village to raise a child." Harris presents a new theory of child development that she calls group socialization (GS) theory. A primary tenet of the theory, mentioned prominently on the cover of her 1998 book *The Nurture Assumption*,³ is "Parents matter less than you

think and peers matter more.” Harris’s work has been called “a paradigm shifter”⁴ with revolutionary implications comparable to the theories of Copernicus and Darwin,⁵ and is predicted to become “a turning point in the history of psychology.”⁶ Because Harris’s theory rocks the boat of developmental psychology, it has important implications for forensic psychologists who apply developmental psychology to child custody evaluations. In this article I explore the impact of Harris’s⁷ literature review and theory on child custody evaluations.

Let me acknowledge two notes of caution. First, this article is about child custody evaluations. As Melton, Petrila, Poythress, and Slobogin⁸ note, “[T]here is probably no forensic question on which overreaching by mental health professionals has been so common and so egregious. Besides lacking scientific validity, such opinions have often been based on clinical data that are, on their face, irrelevant to the legal questions in dispute.” Melton et al. then present a quote from Grisso⁹ who writes that although evaluators often assess traditional psychiatric and clinical psychological issues, “parent’s relationships to children [and] childrearing attitudes and capacities ...are often the central questions in child custody cases.”

But what will be the central questions of child custody cases in the advent of group socialization theory? Consider that a) mental health professionals doing child custody evaluations have a reported¹⁰ history of egregious overreaching, b) evaluators are said to err by using data irrelevant to the proper forensic question, and now c) Harris’s careful and thorough review of the literature suggests that parents have much less to do with how their children turn out than has previously been thought. Even when it has been assumed that parents played *the* central role in child development, child custody evaluators often focused on irrelevant data and said more than could properly be justified by the underlying science. Now it appears that even less of the data typically consid-

ered by child custody evaluators may be relevant to the forensic question than was previously believed.

The second note of caution is that Harris's theory is new and revolutionary. A child custody evaluator utilizing her theory might face challenges under *Frye v. U.S.*, 295 F. 1013 (D.C. Cir. 1923) or *Daubert v. Merrell Dow Pharmaceuticals*, 113 S.Ct. 2786 (1993). An evaluator using group socialization theory should be prepared for such challenges, but I believe that careful consideration of the reliability and validity of the science underpinning child custody evaluations should be welcomed with open arms.

Consider the following: a) how to do forensic assessments, b) how to conceptualize child custody evaluations, c) anomalies in the theory characterized as "the nurture assumption," and d) implications for child custody evaluations.

A. How to do forensic assessments

Grisso¹¹ developed a model for forensic assessments that "was influenced especially by two premises....First, a conceptual model for assessments related to legal competencies must be based at the outset on an analysis of the law's view of competencies. Second, the model must be consistent with, and must promote, the scientific, empirical standards of mental health professionals' disciplines....The guidance offered by a conceptual model should identify not only the questions that an assessment should answer in legal competency proceedings, but also the questions that are either irrelevant or inappropriate to the objectives of the mental health expert in a legal context." Grisso asserts that assessments for legal competencies should be guided by theory, empirical findings, and legal designations.

Otto¹² summarizes Grisso's general model of forensic assessment as follows:

1. Identify the relevant law and identify specific psychological factor(s) that is/are at issue.
2. Identify mental states, capacities, behaviors, knowledge, etc. that may be relevant to the legal question(s).
3. Evaluate the examinee(s) with an emphasis on the capacities and behaviors that are relevant to the legal issue.

B. How to conceptualize child custody evaluations

In some jurisdictions, identifying the relevant law for child custody evaluations begins in a straightforward manner. For example, Florida Statutes 61.13 (1995) directs the judge making decisions regarding child custody to consider the following:

1. The parent who is more likely to allow the child frequent and continuing contact with the non-residential parent.
2. The love, affection, and other emotional ties existing between the parents and the child.
3. The capacity and disposition of the parents to provide the child with food, clothing, medical care, and other material needs.
4. The permanence, as a family unit, of the existing and proposed custodial home.
5. The mental and physical health of the parents.
6. The home, school, and community record of the child.
7. The moral fitness of the parties.
8. The reasonable preference of the child, if the court considers the child to be of sufficient intelligence, understanding, and experience to express a preference.
9. The willingness and ability of each parent to encourage a close and continuing parent-child relationship between the child and the other parent.
10. Any other factors that may be relevant.

The evaluator should gather data on the above variables, except for those variables (e.g., #7) that are outside the purview of the evaluator's field.

Grisso¹³ notes that assessments should not be confined only to abilities defined as relevant by law or judicial opinion, so that scientist-practitioners can inform the courts of research developments. He cautions, though, against the intrusion of insufficiently grounded theory into the legal system, using the "psychological parent" theory as an example where judicial decisions were made on the basis of a theory which was ultimately largely unsupported.¹⁴ In considering factors deemed relevant in various reviews to that time, Grisso summarizes the findings into five categories:¹⁵

1. *Child variables*: age, sex; physical, mental, moral, and emotional characteristics, and general or individual needs related to these characteristics; academic and social life, and general or individual needs related to them; child's preference concerning custodial arrangement.
2. *Child relationships*: qualities of child's relation to parents, relatives, friends, peers, teachers, and so forth (with consideration of the implications of maintenance or disruption of these relationships upon child's need for continuity versus the value of a change in these relationships); length and intimacy of child's association with parent.
3. *Parent's history and status*: age, sex; criminal record, abuse/neglect record; physical and mental health history and current status; conduct related to conventional moral standards; education, occupation, work history, and economic resources; history of management of child, as related to category (4), following.
4. *Parent's capacities and dispositions*: to provide affection for child; to provide attention, communication, and stimulation; to provide discipline and structure; to provide physical and educational needs (food, clothing, medical, educational, and remedial care); to provide moral guidance; quality of parent's

relationships to spouse and other individuals of importance to the child.

5. *Environment represented by the custodial option:* characteristics of others in parent's home, and qualities of their relationships with each other; neighborhood characteristics; quality of living facilities; accessibility to places and people related to the objective to maintain continuity in child's relationships; permanence of proposed custodial home.

While there is some similarity across jurisdictions regarding what to consider, there is little guidance for how much weight to give to the various factors considered. The question of what is best for the child, which is the ultimate legal question, is "no less ultimate than the purposes and values of life itself."¹⁶

C. Anomalies in the theory characterized as "the nurture assumption"

The second step of Grisso's assessment model—identify mental states, capacities, behaviors, knowledge, etc. that may be relevant to the legal question(s)—should employ a definitive, up-to-date, empirically grounded list of parenting states, capacities, behaviors, knowledge, etc., which have been shown to lead to successful outcome. I expected to find such a list in developmental psychology texts and custody workshops, but did not.

Although there is no such list, it has generally been assumed that this is due to our lack of knowledge. It is assumed that parents do influence their children's development in meaningful ways,¹⁷ as parents socialize their children.¹⁸ Harris asserts that a) this assumption has rarely been tested directly and b) when it has been tested directly it has not been supported, but c) researchers and theoreticians have nevertheless continued to assume it to be true.

Much of the research in developmental psychology addresses the question "How do parents socialize their children?" without asking "Do parents socialize their children?"¹⁹ Surprisingly little of the developmental psychology research can be used to assist family law courts, due to flaws such as the following:

1. Very few of the studies provide a way to distinguish genetic influences from environmental influences.
2. Hardly any of the studies provide a way to distinguish child-to-parent effects from parent-to-child effects.
3. The researchers have not distinguished between the child's behavior at home and the behavior outside the home: they've simply assumed that measuring one tells you something about the other.
4. The researchers have failed to consider circumstances that might influence children's experiences outside the home. For example, in studying the effects of divorce, they have failed to take into account the effects of moving to a new residence. ... If the effects usually attributed to children's experiences within the family are really due to their experiences outside of it, people are being given the wrong kind of advice, their children are receiving the wrong kind of therapy [and custody evaluators are making the wrong recommendations].
5. Demographic factors have not been adequately controlled. When children from different ethnic groups, social classes, or neighborhoods are mixed together in the same study, misleading correlations between parents and children are likely to be found.
6. Many methodological errors have been made.
7. More generally, the research was not carried out in the impartial manner that is demanded in other scientific disciplines. The data collection was not "double blinded."²⁰

Such *flaws* in the research limit the applicability of the findings, and that is important for an evaluator who intends to assist a family court judge. Just as important to evaluators, and of more import to theoreticians like Harris, are *anomalies* in the theory: research results that conflict with

hypotheses drawn from the theory. We'll now consider seven such anomalies, the interpretation provided by Harris's group socialization (GS) theory, and the implications for custody evaluations.

1. Broadly speaking, parents' behaviors do not predict the psychological characteristics their children will have as adults

Harris begins the body of her 1995 article with a quote from a critical overview of the research on socialization. This is the type of review that I expected to provide some items for the list of good and bad parenting behaviors/characteristics. The reviewers wondered whether the number of significant correlations was greater than what would be expected by chance. They cited research showing that siblings—either biological or adopted—do not develop similar personalities as a result of being reared in the same household, and concluded as follows:

These findings imply strongly that there is very little impact of the physical environment that parents provide for children and very little impact of parental characteristics that must be essentially the same for all children in a family ... Indeed, the implications are either that parental behaviors have no effect, or that the only effective aspects of parenting must vary greatly from one child to another within the same family.²¹

GS interpretation

Although developmental psychologists have focused on the latter possibility (some parental behaviors have effects, but they vary from one child to another in the same family), the data just do not bear that out. Harris concludes that, within the range of families that have been studied, parental behaviors have no effect on the psychological characteristics their children will have as adults. To explain this outcome, she proposes a theory of group socialization (GS theory), based on the findings of behavioral genetics, on sociological views of intra- and intergroup processes, on psychological research showing that learning is highly context-specific, and on evolutionary considerations.

Maccoby reports on an early study, based on considerations of both Freudian theory and behaviorism, of over 400 fami-

lies. The study attempted to trace differences among children to differences in the way their parents reared them. “[F]ew connections were found between parental child-rearing practices (as reported by parents in detailed interviews) and independent assessments of children’s personality characteristics—so few, indeed, that virtually nothing was published relating the two sets of data.”²² Harris comments that despite the general lack of support to the two broad theories popular at that time (the 1950’s), “Two ideas were retained: the behaviorists’ belief that parents influence their children’s development by the rewards and punishments they dole out, and the Freudian’s belief that parents can mess up their children very badly and often do so.”²³ Harris finds little support for either of these ideas, over the long term, when effects of genetics are accounted for.

Harris notes that in early child development textbooks, those written before Freudian theory and behaviorism became popular, there was little said about parental influences on the development of the child’s personality. She asserts that the nurture assumption is based on a particular model of family life, that of a typical middle-class North American or European family, during a particular time, and in a particular psychological zeitgeist.

Implications Research does not show broad, consistent relationships between how parents act with their children and how the children turn out as adults. This is particularly true when researchers account for the genetic overlap between biological parents and children. Evaluators with a background in clinical psychology may be used to relying on assumptions and hunches from clinical practice and theory to form hypotheses as they plan treatment. As treatment progresses, these hypotheses may be revised or discarded. When judges base their decisions on evaluators’ recommendations regarding custody, however, there is no ongoing review and revision. Therefore, evaluators must only make predictions for which there is a clear, reliable basis.

2. Parenting styles

Research on the effects of Baumrind's²⁴ authoritative, authoritarian, and permissive parenting styles yields predictable results—over the short term, with middle-class American parents of European descent. Adolescent competence is higher among youngsters raised in homes where the parents use an authoritative style (parents are nurturant, responsive, and supportive, yet set firm limits for their children) rather than permissive (parents fail to set firm limits or to require appropriately mature behavior of their children) or authoritarian (parents are unresponsive to their children's wishes, inflexible, and harsh in controlling behavior).²⁵

In a study looking at school performance across different ethnic groups within the United States, authoritative style was positively correlated with school performance for white and Hispanic youngsters. However, "Virtually regardless of their parents' practices, the Asian-American students...were receiving higher grades in school than other students, and the African-American students were receiving relatively lower grades than other students."²⁶ This occurred "for reasons that we do not yet understand."²⁷ It is tempting to say that they knew the reasons, but, since this was prior to the development of group socialization theory, they did not understand them. They found that Asian-American students spent twice as much time each week on homework as other groups, made better grades, had parents who were the *least* involved in their children's schooling, and had the highest level of peer support for academic achievement. Many of the high-achieving African-American students affiliated primarily with students from other ethnic groups.

As Steinberg et al. interpreted these results in 1992, they saw peer-group effects as moderating the effect of parenting style. They strained to salvage an aspect of the nurturing assumption: that a parent who is nurturant, responsive, and supportive, and who sets firm limits, will have a child who performs well in school. But there was "slippage in the pro-

Cesses linking authoritative parenting, work orientation, and school success.”²⁸

GS interpretation

It almost seems unfair. When children of authoritative parents do show academic success (among middle-class whites, for example), alternative explanations are possible. Maccoby and Martin²⁹ point out that the parents' style could be a reaction to a child's academic success, more so (or rather) than a cause. Harris and behavioral geneticists can argue that since authoritative parenting is currently valued in a parent group, parents will try to act authoritatively and competent parents will succeed. To the extent that parents' competence and academic competence are related and heritable, academically successful children would be expected to have *biological* parents who show an authoritative style of parenting. So a finding among whites of a correlation between authoritative parenting and academically successful children is not very convincing. But findings like these—a lack of such a correlation among other ethnic groups, along with clear evidence of a correlation between academic success and peer group influences—support GS expectations that the peer group would be more influential than the parents' behavior.

Implications

The practical impact for custody evaluators is that there is no scientific basis to recommend that, for example, a child should be placed with his authoritative father rather than with his authoritarian mother.

3. Attachment Main³⁰ begins an overview of the field of attachment as follows:

The field of attachment has developed in three principle phases. In the first, drawing on evolutionary theory and observations of non-human primates, the London family psychiatrist John Bowlby called attention to an attachment behavioral system having primary and immediate responsibility for regulating infant safety and survival in the environment of evolutionary adaptedness.³¹ This system is conceived as equal in import to systems guiding feeding and reproduction and as leading the infant to (a) continually monitor the accessibility of one or a few protective, older "attachment figures"

(usually but not necessarily biological relatives) and to (b) flee to these individuals as a haven of safety in times of alarm.

There is research support for some aspects of attachment theory, particularly those involving an infant's a) current relationships and current behavior or b) current relationships and behavior within the next year or two. However, Harris's³² review does not show support for predictions from attachment theory that early attachments will predict a) relationships with peers or b) long-term adjustment or behavior patterns outside the home. She quotes Lamb and Nash as follows: "Despite repeated assertions that the quality of social competence with peers is determined by the prior quality of infant-mother attachment relationships, there is actually little empirical support for this hypothesis."³³

Lamb notes that there continues to be much research on attachment, and states, "In my opinion...adjustment cannot be predicted well from infancy because kids continue to adapt to the circumstances in which they find themselves."³⁴

GS interpretation

Harris acknowledges the importance of parent-infant relationships:

I think these early relationships are essential, not just for normal social development, but even for normal brain development.... I believe that the developing brain 'expects' the baby to be taken care of by one person, or a small number of people, who provide food and comfort and are around a lot. If this expectation is not met, the department of the brain that specializes in constructing working models of relationships might not develop properly.³⁵

Harris³⁶ considers attachment relationships to utilize an evolutionary adaptation, along with other adaptations that are more salient in people's behavior outside the home. Her theory is consistent with the theories of evolutionary psychologists Buss³⁷ and Cosmides and Tooby³⁸ regarding the development of specialized psychological mechanisms that have evolved to solve particular adaptive problems.

Harris considers dyadic relationships and group affiliation to be driven by separate adaptive mechanisms. She notes that children's attachment relationships are different from each other (e.g., mother-child and father-child) and from their relationships with other adults and children. The quality of a child's attachment(s), peer group relationships, and peer friendships are to a large extent independent. Harris writes:

Behavioral genetic data indicate that any transient effect of the home environment on personality fades by adulthood—shared environment accounts for little or no variance in adult characteristics. According to GS theory, the reason the home environment has no lasting effects is that children are predisposed to favor the outside-the-home behavioral system over the one they acquired at home.³⁹

This makes evolutionary sense. In primitive societies, infant survival would be enhanced by a secure attachment to a parent. Increasingly as a child grows older, survival would be enhanced by the ability to function outside the home. It would be adaptive for the growing child to be attuned to what works in the peer group and adopt traits similar to those with high status in the group. When the child's learning from the home works within the peer group, fine; but when it does not, it would be adaptive for the child to discard early/home learning and retain what works in the peer group. Harris states this colorfully:

Although the [early] learning itself serves a purpose, the *content* of what children learn may be irrelevant to the world outside their home. They may cast it off when they step outside as easily as the dorky sweater their mother made them wear.⁴⁰

Harris considers attachment relationships to be powerful and important for early survival, but peer group processes to be more powerful and longer lasting. She notes that in the classic social deprivation studies of monkeys conducted by Harlow and Harlow,⁴¹ infants reared without mothers looked miserable. However, only infants reared without mothers *and* without peers continued to show abnormal behavior into adulthood. Such experiments have not been carried out with

Humans, of course, but Harris describes some human case studies with similar results.

Implications There is a body of research showing that infants develop special attachment relationships with caregivers, and that these relationships are important for survival and normal development. Some developmental psychologists expect that research will eventually show that a child's attachment relationships in infancy have a major long-term impact on the child's development⁴² but there is no clear empirical support for this now. I find reading attachment theory similar to reading about "schools" in clinical psychology; in both cases, there is a good deal of theorizing that goes beyond the data. I see a risk that child custody evaluators might uncritically apply attachment *theory* to custody evaluations, not realizing that their recommendations go beyond the data.

For example, an anonymous reviewer of a previous version of this paper wrote: "The problematic relationship between parents definitely affects kids, and the assumption that being part of a peer group will offer a buffer is simplistic and dangerous. Evaluations are not about determining which parent disciplines with what techniques. They are about issues of attachment and stable relationships." As far as I know, it is true that child custody evaluations *are* about issues of attachment⁴³ but I have been unable to find an empirical basis to show (except for young children) that they *should be*.

There is sufficient scientific basis to recommend that an infant should be allowed to develop and maintain attachment relationships during infancy. There does not appear to be a scientific basis for recommending that a pre-school (age four or five) or older child should live primarily with the person who was the primary attachment figure of infancy. GS theory predicts that it would be more important for children to maintain positive or neutral peer group relationships than to preserve an attachment relationship with a particular parent. Until these opposing predictions are sorted out by research,

Evaluators must acknowledge the uncertainty and clearly qualify their recommendations.

4. Dysfunctional families

The concept that dysfunctional families produce dysfunctional children is quite broad. One aspect is considered here: criminal behavior.

For a variety of personality features, behavioral geneticists assign approximately half of the variance to genes and the other half to the environment.⁴⁴ In exploring the contribution of heredity and the environment to developing criminality, Harris notes that a number of temperamental traits have genetic components: "a tendency to be active, impulsive, aggressive, and quick to anger; a tendency to get bored with routine activities and to seek excitement; a tendency to be unafraid of getting hurt; an insensitivity to the feelings of others, and, more often than not, a muscular build and an IQ a little lower than average."⁴⁵ She cites adoption studies showing a greater biological link than an environmental link. "It seems that being reared in a criminal home does not make a criminal out of a boy who wasn't cut out for the job."⁴⁶ For boys whose biological parents were criminals, criminal adoptive parents were somewhat more "successful" at raising children to become criminals, but this was accounted for by which neighborhood the families lived in. "In small towns and rural areas, an adoptee reared in a criminal home was no more likely to become a criminal than one reared by honest adoptive parents."⁴⁷

GS interpretation

Harris guesses that there would have been fewer opportunities for the rurally raised, biologically-prone-to-be-criminal children to find a peer group which supported criminality; they would settle for what peer group they could find, and would be socialized by that peer group.

Implications

In a hypothetical case, assume that an honest, vocationally unskilled mother is divorcing an unscrupulous but successful father; the father will retain the middle-class home in a safe

neighborhood in a good school district, and the mother will move to a shabby home in a crime-filled neighborhood with poor schools. What is the evaluator's recommendation regarding custody? My reading of the child development literature suggests that maintaining peer relationships in a good school and neighborhood would be preferable to making the move, and may be more influential than which parent lives in and runs the home.

- 5. Fatherless homes** Harris looks at the work of McLanahan and Sandefur who said, "*Children who grow up in a household with only one biological parent are worse off, on average, than children who grow up in a household with both of their biological parents, regardless of the parents' race or educational background, regardless of whether the parents are married when the child is born, and regardless of whether the resident parent remarries.*"⁴⁸ They utilized three indicators of children being worse off: dropping out of high school, being idle (neither working nor going to school), and becoming a mother while still in one's teens. McLanahan and Sandefur⁴⁹ thought their findings justified the warning, "[P]arents need to be informed about the possible consequences to their children of a decision to live apart." Harris counters:

But the graphs and tables in McLanahan and Sandefur's book contain some curious findings: a lot of things you'd think would matter turn out not to matter. The presence of a stepfather in the home doesn't improve the kids' chances at all. Nor does contact with the biological father outside the home: "Studies based on large nationally representative surveys indicate that frequent contact has *no* detectable benefits for children." Nor does having another biological relative living in the home: the presence of a grandmother doesn't help....The fatherless ones who *are* better off—and this is curious too—are the ones whose fathers have died.⁵⁰

- GS interpretation* It is true that when the biological father is living but not living with his children, this family situation is statistically associated with unfavorable outcomes for the children. Harris views this as largely being accounted for by reduction in income (leading to a greater likelihood of living in a neigh-

borhood with negative peer groups) and frequent moves. Each time a child moves, he or she must establish status in a new peer group, usually starting at the bottom. Frequent moves increase the chance that the child will spend much of his or her time in low status, and, like moving to an economically disadvantaged neighborhood, will increase the risk of allying with a negative peer group. Harris notes, "McLanahan and Sandefur found that changes of residence could account for more than half of the increased risk of high school dropouts, teen births, and idleness among adolescents being reared without their fathers. Together, changes of residence plus low family income could account for most of the differences between kids with dads and kids without them."⁵¹

Implications Harris recognizes that this data, and her interpretation of them, clash with some of our assumptions about parenting and childhood. She urges the reader not to confound current happiness with future adjustment:

I will not deny that children are generally happier if they have two parents; I will not deny that they are happier if they have evidence that both parents care about them and think well of them. But happiness today does not inoculate a child against unhappiness tomorrow, and...there is no law of nature that says misery has to have sequelae.⁵²

Assume that an evaluator has reason to anticipate that, of two divorcing parents, one will quickly remarry and the other is likely to stay single for the foreseeable future. There does not appear to be a scientific basis for predicting that it would be better for the child in the long run to live in the home with two parents.

6. Divorce Do children of divorce have more than their fair share of problems? Wallerstein found a very high rate of emotional disturbance among the children of middle-class divorced couples.⁵³ However, all of those families had sought counseling, and there was no control group, so it is hard to conclude anything from this study. A more recent, controlled study showed

a small difference between people from divorced families and people from intact families, with more distress for the people from divorced families.⁵⁴ But, Harris points out, genetic influences are a possible contributor to the findings:

Within the populations that have been studied—mostly American and European, preponderantly middle class—almost all the [psychological] characteristics show the same pattern. Heredity accounts for about half of the variation among the individuals who participated in these studies. The other half is environmental in origin but...it cannot be attributed to any environmental influence that is shared by two children growing up in the same home.... Within the populations that have been studied are many families that have been broken by divorce....If the parents' presence or absence in the home or the relationship between them—quarreling incessantly or writing each other little love notes—had any lasting effect on the kids, we should see it in the behavioral genetic data, and we do not.⁵⁵

Across developmental studies, Harris asserts, only those that fail to control for heredity show correlations between what parents do and how children turn out. Divorce, it turns out, is a prime example. In a large twins study,⁵⁶

about half of the variation in the risk of divorce could be attributed to genetic influences—to genes shared with twins or parents. The other half was due to environmental causes. But *none* of the variation could be blamed on the home the twins grew up in....Their shared experiences—experienced at the same age, since they were twins—of parental harmony or conflict, of parental togetherness or apartness, had no detectable effect.

Heredity, not their experiences in their childhood home, is what makes the children of divorce more likely to fail in their own marriages....Traits that make people harder to get along with—aggressiveness, insensitivity to the feelings of others. Traits that increase the chances they will make unwise choices—impulsiveness, a tendency to be easily bored....The children of parents who will later get divorced sometimes start acting troublesome years before the parents actually split up....A group of researchers at the University of Georgia⁵⁷ discovered that what predicted conduct disorder in children was not parental divorce but parental personality: parents with antisocial personality disorder were more likely to have children with conduct disorder.⁵⁸

GS interpretation It turns out that divorce *is* bad for children, but not in the ways psychologists assumed after reading books drawn from clinical caseloads. How is divorce bad for children?

1. The children of divorced parents usually experience a severe decline in standard of living. This will affect where they can afford to live, and the pool of available peer groups.
2. They often have to move—sometimes several times.
3. They are at greater risk to suffer physical abuse, including abuse from step-parents.
4. It disrupts their personal relationships.

Harris attends to the fact that divorce makes children unhappy. That is important, but she predicts that research will eventually show that divorce itself will not have lasting effects on the way children behave when they are not at home, and no lasting effects on their personalities.

Implications If and when custody evaluators include recommendations regarding counseling to help children cope with divorce, they should be mindful of the varying interpretations of the data regarding the outcome of divorce. At a minimum, peer-group relationships should be seen as an important buffer against disruptions in family relationships.

7. Physical punishment and child abuse Does physical punishment—spanking—increase aggression in children? Straus, Sugarman, and Giles-Sims say that it does. They write:

When parents use corporal punishment to reduce ASB [antisocial behavior], the long-term effect tends to be the opposite. The findings suggest that if parents replace corporal punishment by nonviolent modes of discipline, it could reduce the risk of ASB among children and reduce the level of violence in American society.⁵⁹

The authors of the next article in the same journal, Gunnoe and Mariner, found similar effects only for older white boys in single-parent homes. They found no evidence that spanking boys younger than six years of age or girls younger than

eight fostered subsequent aggression; the associations between spanking and subsequent aggression obtained for black children were primarily negative. Their conclusion: "For most children, claims that spanking teaches aggression seem unfounded."⁶⁰ They describe several possible reasons for the differences between their findings and those of Straus et al., including the fact that Straus et al.'s outcome measures focused on at-home behavior, whereas Gunnoe and Mariner used fights at school.⁶¹

In contrast to Straus et al.'s sweeping assertion (above), Gunnoe and Mariner conclude:

Most likely, an accurate understanding of the role spanking plays in children's socialization will not be gained until researchers have undertaken comprehensive investigations of the effects of spanking on a wide variety of outcomes, across many subgroups of children, in different contexts, and using data collected specifically for this purpose. Until then, we will remain uncomfortable with efforts to persuade parents that physical discipline per se is necessarily harmful for children. Such attempts to alter the childrearing practices of most Americans may be merited on the basis of personal values, but ought not be advanced as a matter of certain empirical knowledge.⁶²

What about more severe forms of discipline—and physical child abuse? Harris⁶³ finds the by-now usual confounds in correlational studies of child abuse and how children turn out: genetics (as a group, abusive parents may have an over-representation of people who are aggressive, impulsive, quick to anger, easily bored, insensitive to the feelings of others, and not very good at managing their own affairs) and too many moves (changes of residence, including those while in foster care). Also, some children who are abused may be relatively lacking in the features and signals provided to children through evolution to make them appear cute and to elicit compassion, patience, and protection from adults.

GS interpretation Harris notes that in some studies *peer abuse*, negative treatment by peers, is retrospectively described as having more

lasting ill effects than negative treatment by parents.⁶⁴ Harris describes the implications of her theory for foster care:

It has been assumed that the harmful effects of foster care are due to the repeated loss of parents and parent substitutes, but repeated moves also deprive a child of a stable peer group. Even unfriendly peers may be better than nothing, because the lack of a stable peer group disrupts the child's socialization. Babies undoubtedly need parents or parent substitutes. I believe that familiar caregivers are an aspect of the environment, like light and pattern, that a baby's brain requires in order to develop normally. But parents or parent substitutes may not be necessary for children over the age of five or six. . . . For older children a stable peer group may be more important. The theory behind foster care is that kids need families. I think they need a stable peer group more than they need families.⁶⁵

Implications Consider what an evaluator might say about how custody arrangements might affect the development of aggression. An evaluator who was aware of Straus et al.'s⁶⁶ work, but not of the work of Gunnoe and Mariner,⁶⁷ might inform the court that "Developmental psychologists have determined that parents who use corporal punishment on their children increase their children's antisocial behavior. Therefore, other things being equal, it would be in the best interest of the child to reside with Parent A who does not spank, rather than Parent B who does." An evaluator who was aware of Gunnoe and Mariner's⁶⁸ work might say, instead, that "Developmental psychologists have found mixed results regarding whether and under what circumstances parental spanking leads to an increase in children's antisocial behavior. Therefore I cannot say whether this difference between Parent A and Parent B would be likely to make a lasting difference in the child's development."

An evaluator familiar with behavioral genetics research such as that of Neiderhiser, Reiss, Hetherington, and Plomin⁶⁹ might say, "Some studies suggest that associations between parenting and adolescent maladjustment are primarily influenced by genetic factors." An evaluator familiar with Harris's theory would be able to add, "One theory predicts that it

would be more important to pay attention to the effect that living with Parent A or Parent B would have on the child's peer group and his or her status within that peer group."

**Summary
of group
socialization
theory**

Humans, like other primates, have developed mechanisms aimed at enhancing survival and reproduction. As the species has developed, the first two or three years of life are typically spent in the company of one's mother (if she is alive) or another adult who especially attends to the child's needs. At that time, a stable parent-child attachment enhances survival.

By the time the child is about two-and-a-half to four years of age, mothers in primitive societies have other things to do, often involving the next child. Young children are shunted over to the peer group, where they are watched over by older siblings and/or other older children in the tribe. Children take an active part in their own socialization, and the cues about language, culture, and so on come largely from older children. Parents influence children indirectly through the parent group,⁷⁰ but do not have as great a direct influence on their own children as has been assumed in the last half century or so.

Although children initially learn about life through their contact with their parents, this learning is largely supplanted by the subsequent learning in the peer group. This has had great survival value in times when parent mortality was high. I believe that careful consideration of the processes identified in group socialization theory will enhance assessment and planning at times when the divorce rate is high.

D. Implications for child custody situations

The American Psychological Association's Guidelines for Child Custody Evaluations in Divorce Proceedings includes:

5. The psychologist gains specialized competence.

A. A psychologist contemplating performing child custody evaluations is aware that special competencies and knowledge are required for the undertaking of such evaluations. Competence in performing psychological assessments of children, adults, and families is necessary but not sufficient. Education, training, experience, and/or supervision in the areas of child and family development, child and family psychopathology, and the impact of divorce on children help to prepare the psychologist to participate competently in child custody evaluations.⁷¹

Forensic psychologists who do child custody evaluations accept the burden of applying scientific knowledge and procedures to the arena of the court, to assist the judge in making decisions. More so than other mental health professionals, psychologists are seen as basing their opinions and recommendations on science.⁷² When an evaluator makes recommendations regarding which custody or visitation arrangement would be most likely to promote the best interests of the children, it could be assumed, unless stated otherwise, that the evaluator is basing recommendations on an accurate understanding of current psychological theory and research. This is always an awesome task, now more than ever because the field of developmental psychology is not in a period of normal science.

Kuhn describes a pattern observed across various branches of science.⁷³ When a science is progressing normally, researchers generally agree on a prevailing theory and go about testing hypotheses drawn from the theory. No theory is perfect, and as research progresses some anomalies begin to accrue. Eventually someone—often someone from outside the mainstream of that branch of science—recognizes patterns in the anomalies and, rather than merely revising or

adjusting the old theory, develops a whole new theory that purports to explain the data better. Scientists in the middle of conducting a program of research based on the old theory may be reluctant to give up the line of research that has shaped their careers. It can take a generation or so for new scientists to test the new theory sufficiently to determine whether it provides a better framework for understanding the world than the old theory does.

Harris's group socialization theory⁷⁴ may better account for research findings, and may revolutionize developmental psychology. That remains to be seen. For now, it brings to our attention that some things which have been thought to be true may not be true after all.

**Assumptions
questioned**

In 1986 Grisso announced, in effect, that 'the psychological parent' is dead. One of the most influential proposals that legal policy should be reformed according to certain psychological constructs and theories about human behavior, in which mental health professionals sought "to intrude on the domain and authority of the law,"⁷⁵ was recognized to have empirical and theoretical contradictions. In other words, it is wrong.

It is time to check the pulse on a number of assumptions. I hope this article provokes thought and analysis about whether the following "truths" should be embedded in child custody evaluations, or in the minds of the evaluators:

1. If parents would be more nurturant, responsive, and supportive, yet set firm limits for their children, they would produce better children.
2. If children could be more securely attached to their parents in childhood, they would be better adjusted in adulthood.
3. If families were to behave less dysfunctionally, there would be fewer dysfunctional adults in the next generation.
4. Children would become better adults if they were raised in a home by both biological parents.

5. If fewer parents would divorce, children would develop better in the long run.
6. If some biological families do not remain intact, then if the single parent would get more support, perhaps from the grandmother or a new boyfriend, the child would turn out better.
7. If parents would use less physical punishment, their children would be less aggressive outside the home, and would be less aggressive as adults.
8. If children were removed from the homes of criminals, there would be fewer criminals in the next generation.
9. If parents would not teach their children bad habits like overeating, smoking, and drinking, the children would have healthier habits as adults.
10. What influences children's development, apart from their genes, is the way their parents bring them up.

These are empirical statements, as yet unproven, and capable of disconfirmation. To varying degrees, there are data to suggest that each of these statements is sometimes false, and there is a theory that explains why they would not be expected to be true.

What if future research supports group socialization theory?⁷⁶

Assuming that group socialization theory is correct, how would evaluators apply Grisso's model for forensic assessment?⁷⁷ Group socialization theory leads to expectations that when neither parent has severe life-management problems, parents have little *direct* effect on the child's long-term development. Evaluators should consider *indirect* effects that parents have on their children as parents make important decisions in the children's lives: choice of school, neighborhood, moves, etc. I believe it would be an over-interpretation of GS theory to treat custody decisions regarding the primary residential parent as arbitrary. But I believe it would be an under-interpretation to see peer relationships as merely a buffer for children experiencing disruptions in their family relationships. Fully applying GS theory would lead to considering peer relationships as increasing in importance during

early and middle childhood, becoming the primary factor shaping children's psychosocial development. Because peer-group influences supplant rather than augment earlier parental influences, peer groups are more important for how children will turn out as adults.

Primary assessment targets would include a) a child's current peer group(s) and other factors outside the home (including school adjustment) and b) the likely peer group and other factors outside the home likely to ensue under various custody options.⁷⁸ Unless the child is having a hard time in the school or the peer group, the primary recommendation would be to find a custody arrangement that disrupts the child's life as little as possible. If the child *is* having a hard time in the school or peer group, then the primary recommendation should be to find a way to resolve that problem, possibly by changing to a different school and/or moving to a different neighborhood or community. In most cases, *which* parent would be primary would be a secondary concern. Shuttling the child back and forth from parent to parent would rarely be recommended.

Although group socialization theory posits that a person's adjustment as an adult is largely independent of his or her happiness at home as a child (once the genetic contribution is accounted for), the evaluator need not overlook how various custody arrangements might affect the child's happiness. I find nothing in group socialization theory, nor do I wish to insert anything into conceptualizing custody evaluations myself, which says that a judge should ignore considerations designed to enhance a child's happiness as a child.⁷⁹ If a custody evaluator has a basis for predicting that a child would be happier with a particular living arrangement, I see no reason not to say so. Still, the evaluator should identify the prediction as being based on an estimate of the child's short-term happiness, not long-term adjustment.

It is worth noting that GS theory has thus far focused on normal development. I did not find a rich discussion regarding

children with special needs, and Harris acknowledges that parents who are unusually abusive or neglectful may cause long-term damage to their children's development.⁸⁰ Thus, even if GS theory is correct, evaluators addressing children with special needs should attempt to identify the parent who a) better understands the child's needs (or is more capable of understanding them) and b) is better able to manage his or her own life and the special needs of the child. When the divorcing family consists of normal children and two fit parents, it would be misguided to focus the evaluation on personality differences between the two parents.

If Harris is right, that humans have evolved so that the primary socialization of children takes place in the peer group, then evaluators can help judges promote child development by interfering as little as possible when a child is well adjusted within his or her peer group, and focus recommendations on peer group problems when they exist.

E. Summary

Current training in forensic psychology cautions scientist-practitioners to recognize that hunches based on experience and "clinical intuition" will often not satisfy judicial scrutiny. Court decisions are moving beyond general acceptance to considerations of hit rates and falsifiability. Today, those practicing at the highest level in forensic psychology are scientist-practitioners who apply the findings of psychological science to questions considered by the courts. In developmental psychology, as we have seen, there is no empirically grounded list of effective parenting behaviors.⁸¹ Unless they can meet the rigors of scientific and judicial scrutiny, custody evaluators must not proceed as if there is.

Harris gives an example from 100 years ago.⁸² A seven-year-old boy commits murder. It is learned that his mother had a fascination for reading about crime, and spent much of her

pregnancy reading lurid novels. The prevailing theories of that time linked these events, and it was believed that her thoughts during her pregnancy made her child into a murderer. Nowadays, we find ourselves in the same place at a different time. The popular theories of 100 years ago have been replaced with the popular theories of today. Parenting folklore has gradually evolved, for better or worse, and all of us have assumptions that have been influenced by popular fiction, hunches from clinical psychology practice, and the myriad factoids encountered in our particular society at this particular time. How can custody evaluators refrain from perpetuating myths and misinformation as we offer opinions and recommendations to the courts? The only safeguards I know are to base our opinions on science wherever possible, to always provide the basis for our opinions, and to clearly acknowledge whenever an opinion we express is based on theory or assumption rather than scientific research.

F. Cry for help

As I stated in the abstract and introduction to this paper, I am a forensic psychologist. I aspire to develop the ability to conduct child custody evaluations at the highest level. I would like to apply scientific knowledge from the field of developmental psychology to child custody evaluations. My reading of Harris is that, although research in developmental psychology has been going on for decades, it is of no use because of a fundamental assumption error: Researchers ask *how* parents affect their children's development without ever establishing *whether* they have a lasting effect on their children's development.⁸³

Collins, Maccoby, Steinberg, Hetherington, & Bornstein assert that Harris's criticism does not apply to *current* research in developmental psychology: "Contemporary studies, including research on parenting, turn on complex statistical methods and research designs that capture real-world complexity with-

out sacrificing the rigor necessary to infer causal relations. . . . The result is both a more complete and a more differentiated picture of parenting and its likely effects."⁸⁴ They write that "Findings from studies of parenting-focused interventions provide the strongest evidence available on the efficacy of parenting behavior in humans," and speculate that "specific parental influences, consistently experienced, *likely* accumulate to produce larger meaningful outcomes over the childhood and adolescent years."⁸⁵ To this point at least, that remains speculation. The research they cite does not rule out group socialization theory's prediction that such effects fade as children, adolescents, and young adults selectively retain behavior patterns that are valued by their peers, and discard those that are not. I still have not found what I am looking for: a definitive, up-to-date, empirically grounded list of parenting states, capacities, behaviors, knowledge, etc., that have been shown to produce lasting effects on how children turn out.

At the risk of admitting hopes like the "desire of the popular media for facile sound bites about parenting or the yearning of some writers of introductory textbooks for general, causal statements about behavioral development,"⁸⁶ I invite developmental psychologists to describe clear empirical relationships between parenting behaviors and outcome, controlling for genetics and other extraneous factors. What does developmental psychology currently offer to child custody evaluators that can withstand scientific and judicial scrutiny?

Notes

1. American Board of Professional Psychology. (1999). Brochure. Retrieved November 27, 1999 from the World Wide Web: <http://www.abfp.com/brochure.html>.
2. Harris, J. R. (1995). Where is the child's environment? A group socialization theory of development. *Psychological Review*, 102, 458-489.
3. Harris, J. R. (1998a). *The nurture assumption: Why children turn out the way they do*. New York: The Free Press.
4. Lykken, D. T. (1998). Book jacket from J. R. Harris, 1998, *The nurture assumption: Why children turn out the way they do*. New York: The Free Press.

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5. Simonton, D. K. (1998). Book jacket from J. R. Harris, 1998, *The nurture assumption: Why children turn out the way they do*. New York: The Free Press.
 6. Pinker, S. (1998). Forward to J. R. Harris, 1998, *The nurture assumption: Why children turn out the way they do*. New York: The Free Press.
 7. See Harris, *Supra* Notes 2 & 3.
 8. Melton, G. B., Petrila, J., Poythress, J., & Slobogin, C. (1997). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers*. New York: Guilford, p. 48.
 9. Grisso, T. (1984). *Forensic assessment in juvenile and family cases: The state of the art 16* (keynote address to the Summer Institute on Mental Health Law, University of Nebraska-Lincoln, June 1, 1984).
 10. Otto (1999) points ironically to the fact that critics such as Melton et al. (1997) say that custody evaluators go beyond the data, but, since there is no descriptive study which examines patterns in child custody evaluations, these claims may or may not be true. The critics go beyond the data, too.
 11. Grisso, T. (1986). *Evaluating Competencies: Forensic assessments and instruments*. New York: Plenum, pp. 12-13.
 12. Otto, R. K. (April/June 1999). *Child custody evaluations: Law ethics, and clinical practice*. Workshop sponsored by the Department of Mental Health Law and Policy, Louis de la Parte Florida Mental Health Institute, University of South Florida.
 13. See Grisso, *Supra* Note 13, pp. 19-20.

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14. Grisso, Supra Note 13, p. 9, writes "[A]t various times mental health professionals have proposed that legal policy regarding competencies should be reformed according to certain psychological constructs and theories about human behavior. One of the most influential proposals of this type sought to influence policy in determining child custody. Goldstein, Freud, and Solnit employed psychoanalytic reasoning to conclude that young children generally should be placed in the custody of the 'psychological parent'—the adult with whom the child has developed a psychological bond—whether or not this adult is the biological parent. The proposal, therefore, considered the interests of the biological parent to be of less importance than the protection of children from the possible psychic trauma of separation. [Goldstein, J., Freud, A., & Solnit, A. (1973). *Beyond the best interest of the child*. New York: Free Press.] Many child advocates and at least some courts soon adopted this theoretical concept as a policy for custody decisions. ... [S]cholars [have since] tempered this invasion of legal doctrine by pointing out empirical and theoretical contradictions to Goldstein et al.'s proposition." See Emery, R., Hetherington, E., & Fisher, L. (1983). Divorce, children, and social policy; in H. Stevenson & A. Siegel (Eds.), *Children and public policy* (Chicago: University of Chicago Press). See also Felner, R. & Farber, S. (1980). Social policy for child custody: A multidisciplinary framework. *American Journal of Orthopsychiatry*, 50, 341-347.
 15. I encourage the reader to consider which of these factors are most important to assess in a child custody evaluation now, then return to the list after reading the rest of this article.
 16. Mnookin, R. (1975). Child custody adjudication: Judicial functions in the face of indeterminacy. *Law and Contemporary Problems*, 39, 226-293.
 17. This is what Harris characterizes as the *nurture assumption*: the use of "nurture" as a synonym for "environment," based on the assumption that what influences children's development—apart from their genes—is the way their parents bring them up.
 18. "*Socialization* is the process by which a wild baby is turned into a domesticated creature, ready to take its place in the society in which it was reared. Individuals who have been socialized can speak the language spoken by the other members of their society: they behave appropriately, possess the requisite skills, and hold the prevailing beliefs. According to the nurture assumption, socialization is something that parents do to children." Harris, Supra Note 3, p. 9.
 19. Harris, J. R. (1998b). The trouble with assumptions. *Psychological Inquiry*, 9(4), 294-297.

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20. Harris, Supra Note 3, p. 386.
21. Maccoby, E. E. & Martin, J. A. (1983). Socialization in the context of the family: Parent-child interaction. In P. H. Mussen (Series Ed.) & E. M. Hetherington (Vol. Ed.), *Handbook of child psychology: Vol. 4. Socialization, personality, and social development* (4th ed., pp. 1-101). New York: Wiley, p. 82.
22. Maccoby, E. E. (1992). The role of parents in the socialization of children: An historical overview. *Developmental Psychology*, 28, 1006-1017, at 1008.
23. Harris, Supra Note 3, p. 8.
24. See, e.g., Baumrind, D. & Black, A. E. (1967). Socialization practices associated with dimensions of competence in preschool boys and girls. *Child Development*, 38, 291-327.
25. See Baumrind, D. (1989). Rearing competent children. In W. Damon (Ed.), *Child development today and tomorrow* (pp. 349-378). San Francisco: Jossey-Bass. See also Sroufe, L. A., Cooper, R. G., and DeHart, G. B. (1996). *Child development: Its nature and course, Third edition*. New York: McGraw-Hill. See also Steinberg, L., Dornbusch, S. M., & Brown, B. B. (1992). Ethnic differences in adolescent achievement: An ecological perspective. *American Psychologist*, 47, 723-729.
26. Steinberg, Supra Note 28, p. 725.
27. *Ibid.*, p. 727.
28. *Ibid.*, p. 727.
29. Maccoby & Martin, Supra Note 24.
30. Main, M. (1996). Introduction to the special section on attachment and psychopathology: 2. Overview of the field of attachment. *Journal of Consulting and Clinical Psychology*, 64(2), 237-243.
31. Bowlby, J. (1969). *Attachment and loss: Vol. 1. Attachment*. London: Hogarth. See also Bretherton, I. (1992). The origins of attachment theory: John Bowlby and Mary Ainsworth. *Developmental Psychology*, 28, 759-775.
32. Harris, Supra Note 2.

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33. Lamb, M. E. & Nash, A. (1989). Infant—mother attachment, sociability, and peer competence. In T. J. Berndt & G. W. Ladd (Eds.) *Peer relationships in child development* (pp. 219-245). New York: Wiley, p. 240.
34. Michael Lamb, personal communication, July 27, 1999. His opinion also included, "Absent such changes, stability is high. Although a lot of questions remain, the replicable findings regarding attachment are stronger than those in any other domain of developmental psychology."
35. Harris, *Supra* Note 3, p. 153.
36. Harris, *Supra* Note 2.
37. Buss, D. M. (1991). Evolutionary personality psychology. *Annual Review of Psychology*, 42, 459-491.
38. Cosmides, L. & Tooby, J. (1992). Cognitive adaptations for social exchange. In J. Barkow, L. Cosmides, & J. Tooby (Eds.), *The adapted mind: Evolutionary psychology and the generation of culture* (pp. 163-228). New York: Oxford University Press.
39. Harris, *Supra* Note 2, p. 476.
40. *Ibid.*, p. 13.
41. Harlow, H. F. & Harlow, M. K. (1975). Social deprivation in monkeys. In R. C. Atkinson (Ed.), *Readings from Scientific American: Psychology in progress* (pp. 225-233). San Francisco: Freeman. (Original work published 1962).
42. Sroufe, Cooper, & DeHart, *Supra* Note 28.
43. See *Supra* Note 10.
44. Harris, *Supra* Note 3.
45. *Ibid.*, pp. 295-296.
46. *Ibid.*, p. 297.
47. *Ibid.*, p. 298.
48. McLanahan, S., & Sandefur, G. (1994). *Growing up with a single parent: What hurts, what helps*. Cambridge, MA: Harvard University Press, p. 1, italics in original.
49. *Ibid.*, p. 3.

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50. Harris, Supra Note 3, p. 302.
51. *Ibid.*, p. 305.
52. *Ibid.*, p. 301.
53. See Wallerstein, J. S. & Kelly, J. B. (1980). *Surviving the breakup: How children and parents cope with divorce*. New York: Basic Books. See also Wallerstein, J. S. & Blakeslee, S. (1989). *Second chances: Men, women, and children a decade after divorce*. New York: Basic Books.
54. Chase-Lansdale, P. L., Cherlin, A. J., & Kiernan, K. E. (1995). The long-term effects of parental divorce on the mental health of young adults: A developmental perspective. *Child Development*, 66, 1614-1634.
55. Harris, Supra Note 3, p. 307.
56. McGue, M. & Lykken, D. T. (1992). Genetic influence on risk of divorce. *Psychological Science*, 3, 368-373.
57. Gottesman, I. I., Goldsmith, H. H., & Carey, G. (1997). A developmental and a genetic perspective on aggression. In N. L. Segal, G. E. Weisfeld, & C. C. Weisfeld (Eds.), *Uniting psychology and biology: Integrating perspectives on human development* (pp. 107-144). Washington, DC: American Psychological Association.
58. Harris, Supra Note 3, pp. 308-309.
59. Straus, M. A., Sugarman, D. B., & Giles-Sims, J. (1997). Spanking by parents and subsequent antisocial behavior of children. *Archives of Pediatrics and Adolescent Medicine*, 151, 761-767.
60. Gunnoe, M. L. & Mariner, C. L. (1997). Toward a developmental-contextual model of the effects of parental spanking on children's aggression. *Archives of Pediatrics and Adolescent Medicine*, 151, 768-775.
61. Harris, Supra Note 3, finds this consistent with her theory's prediction that being spanked at home does not make children more aggressive when they're not at home.
62. Gunnoe & Mariner, Supra Note 63, p. 773. This interpretation of the state of knowledge in child development, and the implications for public policy, has clear parallels for child custody evaluators.
63. Harris, Supra Note 3.

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- ^{64.} See Ambert, A.-M. (1994). A quantitative study of peer abuse and its effects: Theoretical and empirical implications. *Journal of Marriage and the Family*, 56, 119-130. See also Ambert, A.-M. (1997). *Parents, children, and adolescents: Interactive relationships and development in context*. New York: Haworth Press.
- ^{65.} Harris, Supra Note 3, p. 317.
- ^{66.} Straus, Supra Note 62.
- ^{67.} Gunnoe & Mariner, Supra Note 63.
- ^{68.} *Ibid.*
- ^{69.} Neiderhiser, J. M., Reiss, D., Hetherington, E. M. and Plomin, R. (1999). Relationships between parenting and adolescent adjustment over time: Genetic and environmental contributions. *Developmental Psychology*, 35(3), 680-692.
- ^{70.} In modern societies, the media (the part children notice) affect child peer groups, including play themes.
- ^{71.} American Psychological Association (1994). Guidelines for Child Custody Evaluations in Divorce Proceedings, *American Psychologist*, 49, 677-680.
- ^{72.} Underwager, R. & Wakefield, H. (1995). Special problems with sexual abuse cases. In J. Ziskin, *Coping with psychiatric and psychological testimony, Fifth Edition, Volume 2*, (pp. 1315-1370). Los Angeles: Law and Psychology Press.
- ^{73.} Kuhn, T. (1996). *The structure of scientific revolutions*. Chicago: University of Chicago Press.
- ^{74.} Harris, Supra Notes 2 & 3.
- ^{75.} Grisso, Supra Note 13, p. 9.
- ^{76.} This section is speculative and should not be considered to represent the current status of the field.
- ^{77.} Grisso, Supra Note 13.
- ^{78.} This may require development of new assessment techniques and tools.

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- ^{79.} See Lykken, D. (1999). *Happiness: What studies on twins show us about nature, nurture, and the happiness set point*. New York: Golden Books.
- ^{80.} Harris, Supra Note 3.
- ^{81.} Throughout this paper I have framed the task as forensic *psychologists* applying knowledge from developmental *psychology*. The identified limitations should not be construed as placing psychology at a relative disadvantage to other practitioners offering to do child custody evaluations. I expect at least as much difficulty for finding an empirically-grounded list of parental influences by a social worker looking to sociology or a psychiatrist looking to biology.
- ^{82.} Harris, Supra Note 3.
- ^{83.} Harris, Supra Note 22, asserts that the research is of no use for explaining how people turn out the way we do. If so, then it would follow that it is of no use for child custody evaluators' predictions about what would be best for children over the long term.
- ^{84.} Collins, W. A., Maccoby, E. E., Steinberg, L, Hetherington, E. M., & Bornstein, M. H. (2000). Contemporary research on parenting: The case for nature *and* nurture. *American Psychologist*, 55(2), 218-232, pp. 218-219.
- ^{85.} *Ibid.*, p. 226, emphasis added.
- ^{86.} *Ibid.*, p. 228.