Jewish Divorce Talk

Episode Seven – Custody Evaluation Talk

Baer: Hi, and welcome to "Jewish Divorce Talk," a show about divorce, separation, co-parenting and other unique considerations that arise when couples divorce in the Jewish world. I'm your host, Eliana Baer, New Jersey divorce lawyer, and a partner at Fox Rothschild, a national law firm with over a thousand attorneys across 29 offices, offering over 70 diverse services and specialties.

On each episode, I'm joined by experts and guests who discuss divorce and related issues from different angles, and give their opinions and perspectives that often challenge the way people view divorce in the Jewish community, countering the stigma and driving for reform.

On this episode, I'm joined by Forensic Child Custody Evaluator Dr. Rachel Safran. Dr. Safran is a licensed psychologist practicing in both New York and New Jersey. Dr. Safran earned her bachelor's degree from the University of Maryland and then went on to earn her master's degree in Psychology from American University, followed by her doctorate degree in counseling psychology from Seton Hall University.

During her doctoral training, Dr. Safran focused her professional development in the area of psychological testing and assessment, and obtained specialized training in these areas at Maimonides Medical Center, the New York City Department of Corrections and Kings County Hospital Center.

Dr. Safran has focused her career in the area of forensic assessment in the family court system, and the evaluation of police and public safety personnel. In her private practice, Dr. Safran specializes in conducting child custody evaluations, parenting capacity and parenting risk assessments, including substance abuse-focused psychological evaluations.

Dr. Safran has specialized training in the forensic interviewing of children and is a Department of Children and Families Division of Child Protection and Permanency vendor, contracted to provide forensic psychological evaluations of adults and children for DCPP investigations and child maltreatment fact finding hearings.

In addition, Dr. Safran is a contracted expert for the Office of Public Defender, providing similar evaluations for children, adults and adolescents. Dr. Safran also provides consultation services and has served as an expert witness, rebuttal expert and trial consultant.

Dr. Safran, welcome to the podcast. I'm delighted that you were able to join me here today.

Safran: Thank you so much. So delighted to be here with you.

Baer: Of course, you know that forensic evaluations are kind of our bread and butter. It's what we do in almost every single contested custody case in all of our family law matters. And we work really hand-in-hand with our custody evaluators to help just the court and the parties try and figure out, if the parties have a dispute, what serves a child's best interest, what serves children's best interests, how we arrive

at a decision to be able to do so. So, having you here on the "Jewish Divorce Talk" podcast is really an opportunity to delve into that aspect of divorce, for those going through a divorce or contemplating a divorce, to understand just how a custody evaluator and custody evaluation fits into the system at large.

So, I'm going to start on a very elementary level. Can you just briefly explain your role as a custody evaluator and the purpose of your work in family law cases?

Safran: Sure. So, as a psychologist, licensed psychologist, I can basically serve the role of conducting psychological services with a family for an extended period of time, which allows me to get to know all components of that family system.

Unlike a therapist, a forensic psychologist can -- and will -- interview members of the family and collect data from multiple sources and put all of those things together in order to really understand how the family is operating. And thereby making recommendations about what parenting time arrangement is in the best interest of the children.

So, the idea is the psychologist collects all that information, including interviews with children, interviews with parents, interviews with relevant people, mental health practitioners, teachers, anyone relevant to the adults and children. And again, puts that information all together to create a picture of what's happening with the family and what is the best situation for the children going forward.

Baer: And that component is so critical for us as attorneys because we are attorneys. And you have particular qualifications as a psychologist to inform us what serves the child's best interest. And a lot of times that will drive us to a settlement.

But people are still a little bit lost about just, how does it work? Where do I begin? So, can you provide an overview of the process that you follow when you're conducting an evaluation, from the initial assessment to the final report, just so people understand, okay, this is how I get in the door, and once I'm in the door, this is what happens.

Safran: Sure. It's a very structured process and a very consistent process, which makes it palatable for everybody involved.

So, anything you do with one legal side, you do with the other. Without getting into the specifics of who's retaining you, the idea is when you start working with the family, you go over the entire process with them in terms of how it works -- which I'll get you in a second -- but also the most important part, which I like to convey to the parents is, no matter who's paying for the evaluation, whether it's court-ordered or not court-ordered, it's a neutral assessment. And that can be hard for parents to believe. It can be hard to get their trust in the beginning of the process, especially when one side is paying for the evaluation. So, that's something that I speak about in the very beginning. In that first session, I go over the 14 best interest factors with them, which I guess we could talk about at another time. But I review that that is how I formulate my opinion and my ultimate recommendation for the family. So, that's usually what I do in the first session with the parents.

But just to give a brief overview, I usually meet with each parent two to three to four times, depending on the case. I counterbalance the meetings with each parent in order to be able to discuss the allegations that are being made with both sides.

After those interviews, I have the parents sign authorizations, which allow me to speak to different important people in their lives. So, that could be family, friends and in addition, maybe a therapist if it's applicable, anyone who would be able to share relevant information about the parents, the children and anyone's mental health.

Depending on the age of the children, sometimes I work with infants, preschoolers. If the children are old enough, I interview the children one-on-one. If they're not old enough, I just simply conduct an observation between the parent and the children at each of the parent's homes.

So again, depending on the age of the children, there may be an individual interview with the children. But always, in every case, there's an observation that takes place at the family home to understand what the home looks like, how the children feel in the home. So basically, you put all that information together and then I write a report and submit it to either the court or the attorney, depending on the situation.

Baer: Interesting. I mean, it seems like a simple process, but I know from my own experience that it could be a little bit protracted. Do you often run into situations where there are uncooperative parties with the evaluations and how do you address that?

Safran: That's a very good question. It's very nice, at this point in my career, I've had multiple different situations and you've learned from each one in terms of how to handle yourself or how to handle challenges going forward. And when these situations sometimes arise, there is a structured way of handling it. Often, it's sending a letter out to both attorneys.

And again, like I said previously, I do my best to arm the parents in the very beginning. Try to make them feel comfortable. I try to let them know that, like I said before, no matter who's paying the bill, that I may be called to testify on these results. And if they don't make sense, then I'm the one who's going to look like an idiot in court because it's biased, it's unfair, it doesn't make sense with the evidence collected.

So, I really try my best to communicate with parents in a very compassionate way and understanding way. It is not fun for anyone who's walking in the door to meet with me. This isn't, for fun, for, you know, let me explore my mental health. It's really a tough process for parents to enter, no matter who's paying for it or if it's ordered or not.

So, I do my best to make the parents feel as comfortable as possible. And if one side is uncooperative, usually I leave it to the attorneys to deal with it at that point and just send out a formal letter explaining what's happening. But I think that approaching the situation with compassion with both parents usually is helpful and trying to not let my own emotions get in the way as well.

Baer: There's frustration involved sometimes, I would say.

Safran: Yes. You can get someone who's very withdrawn and I'm not used to that. Sometimes people just wanna... on the flip side of that, I have parents who it's very hard to keep them on track because they want someone to listen to their frustrations. And I think that also as an evaluator, I've had to get comfortable with people just spending a lot of time venting in the room and just being okay with that, even if it's derailed off of the topic and they really need someone to listen to them. So either I might deal with people who are overly sharing and going off topic or people who really have a wall up and they just don't wanna share anything.

Baer: Interesting. And in terms of pivoting to the title of the podcast, "Jewish Divorce Talk." I'm going to delve into that particular landmine area for a little bit because I've definitely seen some faux pas in terms of cultural sensitivities and understanding the community at large, particularly in the more religious denominations.

And having that background I find is certainly very useful, helpful. And just in terms of the people that we encounter, having that type of sensitivity to the point where not all evaluators possess that, number one. Because I've had to actually seek disqualification of a number working with the very religious communities in Lakewood and elsewhere, Brooklyn, et cetera, not understanding the nuances of a situation.

And it sounds like you really take the time to exhibit some patience with these people and make them feel comfortable. But you have to remain somewhat culturally sensitive. So how do you do that in any culture, including Jewish culture, including, sort of different culture? Jewish culture is obviously your culture also, but in any cultural situation where you're unfamiliar or you need to possess a certain amount of sensitivity, how do you deal with that in these very obviously emotional types of evaluations?

Safran: It's a very good question, and I think that you really have to spend so much time asking questions, not making assumptions, and obviously consulting as needed.

So, if you are working with a particular culture that you're not familiar with, or even if you are familiar with. As we discussed, you know, I identify as a modern orthodox Jewish woman. But it doesn't mean that I necessarily understand what is happening, particularly in an ultra-Orthodox family. Even though I might understand more than the average lay person, it's my job not to make assumptions and to make sure that I understand the family dynamics, the cultural dynamics that exist. So, there are certain things, again, that I may understand. Sometimes, actually, being part of the culture can make you less sensitive because you think you know, but you don't know.

So, I think that the more general answer to the question is by asking a lot of questions. Certainly using your resources. Consulting with the attorneys about what it is that's important in the particular case, and making sure to hone in on those details and ensuring that the parents get the opportunity to explain what issues are important and why. And to fully understand how the parents and the family were operating prior to your involvement.

Because in any case, regardless of the culture, just certain aspects of the family or certain decisions that need to be made going forward post-divorce, they vary depending on the family, and it depends on what that family values versus others.

I'm trying to think of an example that sometimes in certain families, vaccinations or medical decisions can be a particularly culturally sensitive issue. And that is something that I would ensure, or I would attempt to approach with each parent individually, to ensure that I understand what is important to each parent and to where they hold in terms of how they feel about those things.

And that's just one issue that isn't necessarily relevant to an ultra-Orthodox family, but could be.

Baer: So, I'm going to dovetail on that particular aspect of evaluations, where historical practices certainly do dictate what the future recommendations might be. But in a lot of cases that I encounter, somebody changes their mind,

Safran: Right.

Baer: Somebody says, "That might have been good when we were an intact family. But my position on this has changed." Based on, let's say, vaccinations, based on newly discovered or newly realized information. That they've suddenly said, "Okay. I know I had that opinion when we were intact. Now that we're getting divorced, a lot of things have changed, including, but not limited to some of those things that were fundamental to our lifestyle."

Whether it's from a religious basis, a medical basis or educational, those cases tend to be most challenging, I think, for attorneys, for custody evaluators, for anybody involved with a family that understands that continuity is of utmost importance for a child. But at the same time, parents do have a right to change their minds and to digest information in a way that makes more sense to them.

A lot of times that can occur in a happy family and an intact family and the parties will jointly do that. It becomes more dicey when there are those types of disputes. So, how do you deal with that type of situation? Without getting in to particulars, but just to shed light on some of these, like, really nuanced issues that as people in the family law universe deal with almost on a daily basis.

Safran: Yeah, and it's such a good question. And I love what you said about, even in an intact family unit, it is such a struggle for two spouses when one spouse changes. And that can -- since the title of the podcast is "Jewish Divorce" -- it's two people might come into a marriage being at the same religious level or slightly different and then those may shift depending on a situation that happens, or just natural evolvement. And that can create so much conflict and difficulties with how to raise the children going forward.

And again, in an intact family unit, that's challenging and it continues to be challenging if the parties ultimately divorce. So, how to handle a situation like that? It is very difficult because the family system is used to a certain way of operating. And then, let's say, one parent decides that, for example, they no longer wish to identify as orthodox and therefore no longer wanna take their children to synagogue. When we're thinking about issues with parenting time and what ultimately happens is what, occurs on someone's parenting time is up to them.

And you no longer have that same control that you used to have when the family unit was together, where you're watching everything and everything is in front of your face. And I think what happens during these evaluations, and what can happen afterwards, is needing a third-party, such as a parenting

coordinator or a co-parenting therapist, to help the family function. Because once a family unit separates, the parents really are entitled to conduct their lives, within reason, the way that is congruent with their own values. And it's almost the recommendation ultimately, in cases like that where the parents, where it's so hard to adjust to another parent changing. The parent needs to learn how to relinquish some of that control because if it's not a danger to the child, then that parent has the right to conduct their lifestyle the way that they want with their children present.

I would say that a lot of the time, after the evaluation is over, when you have a full understanding of what the issues are, what's changed in the family unit, it's ensuring or recommending that the parents or the family are set up with resources to help them adjust to that change and accept the things that are no longer within their control. Which can be very difficult whether you're a religious family or not a religious family. Letting go of control over anything can be very hard.

Baer: Yes, and the most high conflict cases that I tend to see in my practice tend to revolve around this notion that we can't give up control. It's always these tropes of lack of trust. That's what it ultimately comes down to. One parent feels they have to control because they don't trust the other parent to act in their other children's best interests.

And that's where we run into a lot of this conflict that does necessitate the involvement of third parties and so on and so forth. And we go down that rabbit hole of just how do we bring these people together and help them function so that we can help these children adjust to their new reality.

And I think with a lot of these cultural sensitivities, let's call them, there's also cultural awareness that needs to happen. A lot of people say we should not pay any attention to cultural nuances and we should just blindly apply the law indiscriminately as if these cultural nuances didn't exist. But when you're working with Frum families, you often discover things you wouldn't necessarily think about tend to crop up.

For example, when children come home, they're not carted off to sports. They're not going to play video games in their room for hours on end. They're not texting with friends. They're on the block. And the block that they live on is of the utmost importance to them. They go out and play. They hang out with friends. They're in and out of each other's houses. And to have their parents separate, and potentially one of them relocates from the block, that's a big family shakeup. And I'm not certain that in terms of these types of cultural awareness issues, all custody evaluators would be attuned to it. Without being culturally blind to these situations, we have a U.S. legal system that obviously dictates as far as what a court needs to consider. And you reference the best interest factors, which are a series of factors that tell the court what's in the child's best interest.

All 50 states have the best interest factors. In New Jersey, they're a little bit different. In other states, they're a little bit different. Every state has their own list.

So, within that though, I think there's ample room to have cultural awareness and to use some of those factors as a springboard to make a decision consistent with the cultural values of the family. How do you work with that in the context of a custody evaluation and within the confines of your factors, which are the best-interest factors that you're working with?

Safran: That's a great question and I love what you said about the springboarding from the best interest factors to include some of those religious nuances. For example, you mentioned the block and the importance of the block in a religious home, a Jewish Orthodox home, which might not be the same as, let's say, a secular family whose kids are being carted off to sports or texting in their room or something like that. Completely different types of social lives, let's say.

So, if you look at the stability of the home environment, that's one of the best interest factors in the state of New Jersey. I often will use that best-interest factor to talk about what the in-home environment looks like and how the children are doing within that home environment.

I will also look at the needs of the child, which is another best-interest factor where you could talk about those things, the social needs of the children. It could be you're talking about the educational needs of the children or the medical needs of the children, but the social needs of the children certainly fall under that best-interest factor as well.

So, both of those best-interest factors give you the opportunity to discuss the important parts of culture and the home that are relevant to the children that you're speaking of. It's, very interesting, I have heard from parents that maybe are consulting with me when they're deciding whether to pursue a child custody evaluation and they say, "I've heard that in the state of New Jersey it's 50/50% unless there's something really wrong with the other parent."

So I say, " It could be, depending on the judge, I don't know. But all I can tell you is that when I do my child custody evaluations, that is not the pretense on which I operate. And I use all those 14 best-interest factors and how they apply to your family in order to make my final opinion and recommendations in the case."

So, in that example you gave of the block, that would certainly be something that I would discuss within the best-interest factors. And I know this is a hypothetical case. That could be a springboard for ultimately providing the backing for a recommendation of not having a 50/50 and having a parent of primary residence where a child is within a certain home environment for the majority of the time, and spending less amount of the time per week with the parent of alternate residence, depending on the home situation in both homes. So, I think that's a good example of how the best-interest factors map on to the final recommendations and opinion that an evaluator might have.

Baer: That's a very interesting point, because the courts have certainly shifted, in my personal observation, to a more 50/50 type of a formal presumption, but a presumption of 50/50. Which I think is great in a lot of respects, right? I think that children having access to both parents all the time is a wonderful thing.

In some situations, I don't think it's the best-case scenario for that particular child in that particular situation. And I'm really glad to hear you say that you start from scratch in terms of all of the 14 factors, with none of the factors really taking priority over the others or elevated above the others. Because there are so many knee-jerk reactions among even the custody evaluator community and everybody in the legal profession and in these spaces to just say if you're not a mass murderer, it's going to be 50/50. But that really doesn't examine the particular needs of that particular child or children in that particular environment.

So, I think it's very important that we have just a child-centric type of approach to that. And it's a breath of fresh air, honestly, to hear that type of sentiment. Because a lot of these cases turn on these really particular nuances having to do with that particular family. That's really great.

And in terms of the Jewish community, you actually wrote -- I'm sorry, I creeped on your CV. You sent it to me so it wasn't like I did a deep dive on Google, so don't get freaked out. But I looked at your CV and I noticed that there was an article that you wrote about the stigmatization of mental illness treatment and mental health in the Jewish community. It was ages ago. It was 2010 that you wrote this article. But, in terms of that existing... we all know it exists, we know it's prevalent. It's getting better, but it's not there yet.

Safran: Agreed, yeah.

Baer: It has gotten a lot better over the course of my career, and I'm certain, you've probably seen the same. But how does that ... I'm not going to call it an aversion, that might be too strong of a word. But it is certainly stigmatized in the very Frum community in terms of seeking and obtaining mental health services. Do you think that sort of plays into and could affect your role as a custody evaluator, or in terms of even the recommendations you render to people that often involve therapeutic intervention?

Safran: That is a good question. So, it certainly depends on the data that I would collect during the valuation. Because like you said, it really has changed significantly over the last decade. From what I know, there are so many more mental health, specific Jewish mental health organizations that are much more prevalent now that these institutions exist. You don't even have to go outside of the Jewish community to get this type of treatment from very accomplished and knowledgeable mental health professionals that are within the community and really understand some of those nuances.

So, I think because it has changed so much I personally would not hesitate to recommend any type of mental health prevention that I would see as necessary within a case. I don't usually discuss my opinions or what I'm going to recommend with the parents. That usually will only get discussed at a deposition or a trial, and usually I discuss it only with the attorneys and maybe with the retaining parent. So, there isn't a lot of opportunity to discuss, "Would you follow through with these recommendations?" But certainly, over the course of really getting to know a family, you can understand whether there's going to be a level of openness or a closed door to the recommendations that you might possibly recommend.

So, a lot of the time, if I have found that there is a wall or a blockage, I would, again, try to recommend something that would help that parent to become more open to the services that child needed or to the services that they needed themselves. And I would try to find an avenue to get there. But I would say that, thankfully, I don't see it as much of an issue as it used to be. But that could just be from lack of experience working with the Frum populations and more working with secular populations who are more open to it.

I think I would try to just explore as much as possible with the family about what they have done in the past, what they would be open to going forward. But I think for the most part, because of how much change there's been, that you could probably find an open door with someone, even if it's slowly introducing them to the process of mental health treatment.

Baer: Yeah. And most of the time I think people, when they enter into this sort of custody evaluation setting, rightfully they are concerned about the effect that it has on their children, right? They're being interviewed by a strange person in a strange location, potentially, and their children might not feel comfortable or safe during the evaluation itself.

People have very genuine and very real concerns, well-founded concerns, about the process in general. With even New Jersey case law recognizing custody evaluations are a very heightened emotional process, and we shouldn't just willy-nilly enter into them and subject a child to them absent good cause to do so. So, how do you approach interviewing children during the evaluation, and what do you use to create a safe environment for them to help them really express their thoughts and their feelings? Assuming they're of sufficient age to be able to do so.

Safran: Sure. That's a great question. For very young children, it's funny, different evaluators work differently. So, some evaluators will only see children or interview children in their office. I don't operate that way. Personally, I find that, especially with young children, interviewing them in their home environment can be much more natural and comfortable for them.

So, often with young children, I'll also conduct the home observation first. So, that way I've been in their home, I've interacted with their parents in front of them and with them in a more playful manner. Where it's not that I'm expecting this person to talk with me when I've met them for the first time. And I think that's really important because with a therapist-child relationship, you spend so much time developing rapport with those children before you even begin some type of treatment.

And because of my role, I don't have the opportunity to do that. I have to work quickly. I don't have as many opportunities to meet with the children. So, I have to be creative in terms of how do I get this child to talk to me? How do I get them to feel comfortable? And if I get any type of hesitancy, I stop. I back off. I would never push a child to say something or to encourage them to continue talking with me if they just don't feel like it. So, I've been in that situation before. I often will just kind of like -- this is going to sound weird --follow the child around. But, you know, I'll just be spending time with that child wherever they're playing, and then I might slowly bring up a conversation and ask them very open-ended, general, safe questions.

I think that also, it's how you start and how you finish. So, you don't just meet with a child and say, "Oh, so tell me about mom, tell me about dad." You really talk about very general things about what they enjoy, who they spend time with. It really is a very specific protocol with how you get down to those more sensitive questions, and you start very general and safe.

So, I think to sum up the answer to your question, it's about the environment. So, where you're doing it. Obviously your tone and the way you speak to the child, but also the type of questions you're asking and when you choose to spend that one-on- one time with the kids.

So just real quick, another way that I approach things often is, when I'm with a family in their house, instead of taking the child with them to a specific area, I might have the rest of the family leave the area and leave me with the child in this open environment where they're already playing. So, I'm not taking the child and going to a space with a closed door. But everyone else has just mingled out leaving the child and myself in this open environment, which by itself already makes the child feel a little bit less

anxious and nervous because no one's taking them out of this room with this stranger to go to a closed space. So, different strategies like that really do help.

Baer: That's a really good technique. A lot of times what I've seen is custody evaluators will just launch into it and try to ask the child very sensitive questions without developing that really critical rapport that you're developing as you go along and ensuring that the child does feel safe and secure and that, yes, it's a stranger, but I'm in a safe location. I'm in a safe space. I've been told this is a safe environment and now I can proceed and open up.

So, in terms of kind of from start to finish, we're talking, getting over the finish line at this point. And when you render a report and recommendations are contained in that report, or you're delivering recommendations to the court, how do you ensure that they're practical and in the best interest of the child? And can you give some examples of some of the recommendations that might go into a report that can really assist a family if they're fractured?

Safran: That's a really good question. So, I think that one thing that I wanted to mention earlier was when you were asking about the, I guess, the unique qualities that a psychologist can bring to a litigated divorce. I think that part of it is that psychologists, as part of their careers, not myself included at the present time, conduct research. And there's been a lot of research on outcomes of children and families with shared parenting time situations. So, a lot of the time in my conclusions, I will quote directly from research to back up some of my opinions.

So, for example, there is a researcher that did a lot of follow-up work with families post-divorce. And they were able to see that a shared parenting time plan -- and this is in an ideal situation. Sometimes one parent is not fit to be involved in that child's life. But let's say both parents are generally fit to parent. The research found that the children benefit most from a shared parenting plan that's not necessarily 50/50. So, as long as both parents are involved and there is frequent and consistent contact, that led to multiple positive outcomes for children. Just better performance in school, lower levels of substance use, higher mental health functioning, so many positive outcomes.

So quoting that research is very helpful, because it can show or demonstrate to parents that... a lot of parents will say, "I want 50/50, because that's what's fair." And they're focusing on the fairness, which I completely understand. I really do. But if we're really looking at this as a best-interest evaluation, then as long as you're having frequent and consistent contact with those children, the research shows those children will probably do very well. So, I think that focusing on research when making those recommendations is important.

So, that kind of brings me to the second part of your question, which is, you know, an example of what those recommendations might be. I always do a best-interest analysis at the end so people understand that I have considered every single one of these factors. And I have looked at them and tried to use them to map onto my opinion and to my recommendation.

So, let's say the parents, for example, are having a lot of trouble communicating, which is often the case in highly contested divorces where the co-parenting is just not going well at all. So, both parents are generally decent parents, but their ability, because of the tension and the history between their marriage, are having so much difficulty even co-parenting together. If that was present in that

evaluation, that, even though the parents should, let's say, share legal custody, the fact that they cannot communicate well and are struggling would lead me to recommend that there would be a parent of primary residence and a parent of alternate residence.

Because if you know you wanna share 50/50 custody, you really need to be able to be strong co-parents and co-parent together. So, I think that when you see that that's happening, that leads to a different type of recommendation where one parent is really -- even though they need to make those important medical and educational decisions together -- one parent is in charge of the medical appointments and the educational appointments. And that just enables the parents to be less involved in each other's daily lives, which would in turn probably be in the children's best interest.

And I think I alluded to this before, some families really do need a parenting coordinator or a co-parenting therapist to really help them understand about that control we were talking about before. Letting go, understanding that you can't control everything that goes on. And when you try to, it's going to trickle down to the kids and actually have negative effects on their wellbeing. So, I think those are some of the examples about how parenting time recommendations are based in the best interest analysis and also based in research.

Baer: Okay. Yeah, those types of interventions are definitely very important, especially when you're trying to heal from a fractured situation and you're trying to heal from a very high conflict situation.

A lot of times what I see is, you can have very high conflict during a divorce and then once it's over and people accept that the fight is done, now the real work begins. Now the parenting begins. That's sometimes when I see things die down. And when they're able to come together and reach a settlement, it's almost like a new beginning. It's okay, we're going to take these recommendations. And I've seen a lot of custody reports really act as a starting point for these people to be able to come together and say, "Okay, this is the recommendation. Let's get this done for the kids." And then it all falls into place from there.

And a lot of times it doesn't. And a lot of times, we're dealing with it for years to come. And that's where lawyers come in on a post-judgment basis. And we tend to deal with really dicey situations that sometimes have some trappings of mental illness on the part of one or both of the parties. And it tends to be that no recommendation in the world would really address that situation, short of very extreme measures, which are not always feasible. Unfortunately, those types of situations are unsolvable sometimes, at least in the context of just kumbaya settlement, let's all come together. And they do have to be litigated, but I'm sure you've encountered those situations as well.

Safran: For sure. And it's funny that you say that. There are sometimes we submit a report and then we just never know what ends up happening with that family. And that can be hard. I mean, I can count on one hand how many cases I've had where the attorneys come back to me and said to me, "Oh, by the way, this is what happened and this is what's going on."

So it doesn't happen often. And just to address just the last thing that you said, in some of those recommendations that help the family start over. I know that, like you said, it's all the arguing, all of these things have been going on and here's the answer, this is how we move forward.

And it's interesting, in some cases, parents can get very set on, "Well, if parent A is not available, then I wanna be called on to be able to watch that child, even if it's not during my parenting time." Which we call, rights of first refusal.

Baer: First refusal. Exactly.

Safran: Sometimes, and often in my recommendations, I'll address the rights of first refusal and I'll say, "In this particular case it's to the children's benefit that we only use rights of first refusal, but it's going to be be the parent A is going to be be out of town for three days, as opposed to parent A cannot watch the child for two hours after school. Let parent A find their own caregiver. Let's disengage from each other's lives. That will be better for everyone. So, I think that's another example of a recommendation that might help the family move forward and disengage from the conflict.

Baer: You are a wealth of just good advice for parents in general. I appreciate you definitely taking the time and going through and dissecting, I suppose, the anatomy of a custody evaluation.

So, I could go on for hours and hours about the social science and about the, all of that involved. And that's why we have lunch together so that we can do that. But I really appreciate you joining me here today.

Safran: Thank you so much. This was a lot of fun and enjoyable and just great to speak with you about all these issues.

Baer: Great and just Google Dr. Safran if you want to find her online. She's everywhere and anywhere. So thank you so much for joining me.

Safran: Thank you so much.

Baer: And of course you can find out more about me at foxrothschild.com/elianabaer, where you can also find my latest blogs. You can find me on LinkedIn at Eliana Baer and on Instagram @elianatbaeresq. If you've enjoyed this episode and you want to listen to more, please like and subscribe to this podcast on Apple or wherever you get your podcasts.