

RELOCATIONS AND SEGUE TO MHP ROLE

- I. The law of relocations, and the place of psychological evidence to it
 - A. NRS 125.200
 - B. Cases under it
 1. Primary custody
 - a. Measurements of Custodial Time (from *Rivero* exhibits)
 2. Joint custody
 3. No custody?
 - C. The “Relocation Risk Assessment” and its misuse
 1. February, 2009, “Guidelines for Child Custody Evaluations in Family Law Proceedings” approved by the American Psychological Association (“APA”): “Psychologists render a valuable service when they provide competent and impartial opinions with direct relevance to the ‘psychological best interests’ of the child.”
 - a. Derivation, per APA, from “sound psychological data” and not “personal biases or unsupported beliefs.”
 - b. “Psychologists are encouraged to monitor their own values, perceptions, and reactions actively, and to seek peer consultation in the face of a potential loss of impartiality.” vs. “I don’t believe in relocations,” “I disagree with current relocation law,” and “a high standard should be established for [relocation] in custody dispute situations.”
 2. Role of DV: Legal factor favoring relocation (*Hayes v. Gallacher*) vs. “DV is a risk factor [militating against] relocation.”
 3. Tiny sample size; unreliable for any purpose.
 - D. Current State of the Art of Social Science Research in Relocation Cases (as reported by Deborah A. Day, Psy.D. & Arnold Shienvold, Ph.D., as of 9/19/2012:
 1. Data extremely limited.

2. Some generalizations relating to multiple moves.
 3. Otherwise, data “Does not create favor for or against relocation.”
 4. [See slides from CLE]
- E. “Psychological best interest” is **NOT** legal “best interest” (see NRS 125.480)
1. Psychological concerns and recommendations are just one piece of legal determinations
- F. Insertion of personal opinion into reports & other violations of APA Guidelines is unethical; basis for ethics complaint to licensing boards.
1. *Grossman v. PA State Board of Psychology* (2003); penalties for APA violations

List of Exhibits:

1. NRS 125C.200
2. Measurements of Custodial Time
3. *Schwartz* Factors Worksheet
4. *Hayes v. Gallacher*, 115 Nev. 1, 972 P.2d 1138 (1999)
5. “Shrinks Gone Wild” (legal note no. 34)
6. Slide selection from “Speculation or Science – Psychological Research Used in Custody Cases” (9/19/12)
7. *Grossman* opinion