

AN ARCHIVAL STUDY OF DECISION-MAKING IN CHILD CUSTODY DISPUTES

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Investigation files and court records of 282 disputed child-custody cases (San Diego, 1982) were coded and analyzed to determine predictors of judicial decision. Log-linear analysis of physical custody decisions as a function of factors contained in the files suggested that three categories of factors (mother, father, and child) were linked causally to a counselor's recommendation, which was linked subsequently to the judge's decision. Judicial decisions could be predicted accurately by a model that took very few factors into account. Only two factors directly affected the judge; counselor recommendation and child preference. The major factor that influenced decisions was counselor recommendation (60% of the cases); cases that lacked this recommendation were predicted by an inferential measure of the child's preference (15% of the cases).

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An estimated 10% of child-custody decisions are so difficult that mandatory mediation and family investigations are needed to resolve the disputes. Of 14,612 domestic cases filed in San Diego County during the fiscal year (1982-1983), 3,141 were court mediated custody disputes, of which 282 required investigations. Court counselors (trained in probation and/or marriage counseling) are employed by the family court to mediate the disputes. In difficult cases (where mediation appears to be failing), the court may order investigations and recommendations from counselors. The resulting investigation files are read by judges prior to the hearings and may have a powerful influence in addition to the counselors' input (Irving, 1980). The persons who are being investigated are required to sign consent forms that acknowledge the court orders and agree to the investigations. The parties are informed that the mediators may make child-placement recommendations to the court. One purpose of the present study was to determine how frequently the counselors make placement recommendations. In addition, our objectives were to examine the extent of the agreement between the counselors' recommendations and the judges' custody decisions and, if possible, to determine the direction of causality (i.e., whether the counselors' recommendations influenced the judges' decisions or whether the counselors merely anticipated correctly in their recommendations what the judges would have done anyway).

We attempted to answer such questions by using the archival methodology that previously has been advocated for this type of problem and data (Konečni & Ebbesen, 1981). On the basis of our earlier work on the effect of probation officers' recommendations on the judges' sentencing decisions (Konečni & Ebbesen, 1982), we tentatively hypothesized that in the subsample of cases in which the counselors' child-placement recommendations are given, there would be agreement between these recommendations and the judges' decisions and that the causal influence would be directed from the counselors to the judges, rather than the reverse.

Even more important than who makes the decisions in custody disputes is the issue of which factors the decision-maker takes into account and to what extent. In most states, the law requires that custody decisions be made according to the "best interest of the child." Commentaries on the "best interest principle" have reflected legal viewpoints (e.g., Bratt, 1979; Derdeyn, 1976; Walker, 1967; Watson, 1969), psychodynamic considerations (Goldstein, Freud, & Solnit, 1973), and other clinical concerns (e.g., Gardner, 1977; Trombetta, 1981). Yet, guidelines for enforcement and the principle itself often place decision-makers in a quandary, as well as increasing concern over sex discrimination (with respect to, for example, the traditional maternal preference in custody disputes).

Legal scholars have expressed concern that judges act on their own biases and values when deciding the "best interest of the child" (Katz, 1966; Mnoonkin, 1985; Watson, 1969), but the recent use of caseworkers has raised due process questions: Conclusions may be based on third-party statements (Oster, 1965). In a summary of California custody law, Adams and Sevitch (1984) listed the possible legal factors that should be considered by the judges: Health, safety, and welfare of the child; maintenance of status quo living situation; the parents' ability to love; parent-child shared interest; emotional support for (or abandonment of) the child; and preference for psychological parent over biological parent. On the basis of our previous work in bail-setting (Ebbesen & Konečni, 1975, 1982), sentencing (Konečni & Ebbesen, 1982), and the processing of mentally disordered sex offenders (Konečni, Mulcahy, & Ebbesen, 1980), we predicted that relatively few factors (not more than three in our previous research) would account for most of the variance in custody decisions, even though the decision-maker may be under the subjective impression that many factors are being considered.

The significance of determining the identity of the actual decision-makers in child-custody cases and the factors that they take into consideration is highlighted by the justifiably critical views of Okpaku (1976) on the contribution of psychology (including, presumably, recommendations from case workers) in child custody disputes. It was

argued that the psychological theories that concern the needs of children are in an embryonic state and that "the most widely accepted psychological hypotheses concerning childhood needs are virtually identical to the assumptions expressed in judicial guidelines and rules" (p. 1126). Therefore, psychological input to the courts in "easy" cases is superfluous, whereas, in the "difficult" cases, it may well be harmful: The courts may use overly general, vague, and poorly substantiated psychological claims (and experts' recommendations) as a justification for unconventional custody awards and for circumventing decisional guidelines. By examining the extent and type of routine psychological input (via case workers' recommendations) to the courts, the present study was designed to quantify the magnitude of the problem if Okpaku's arguments become generally accepted as correct.

METHOD

Data Base

In 1982, there were 282 cases in which custody investigations were ordered by the San Diego County Superior Court. These were the more difficult, contested cases, virtually all of which represented inter-parental disputes. Physical custody is the central issue in the custody battles (legal custody most frequently is awarded jointly to both parents). In each case, an investigation file was prepared for the judge by the Conciliation Court Family Counseling Service. There are also records of court proceedings for each case in the file. These two sets of documents contained the raw data to which a specifically constructed coding instrument was applied. With the exception of 10 unavailable cases, all of the 1982 custody investigations were coded by psychology undergraduates and subsequently were analyzed statistically.

Investigation Files

The investigation files are confidential records that are closed by law and kept under tight security in the office of the Family Counseling Services. The files vary in length from 2 to 250 pages and contain some or all of the following information:

1. Demographic characteristics of family members (age, sex, race, religion, employment, income), and temporary custody of the child(ren) being disputed;
2. Marital history (length of marriage, number of prior marriages, names, ages, and residence of children from prior marriages);
3. A 2- to 5-page typewritten summary of the counselor's investigation, a brief psycho-social history of each family member, and an evaluation of the type of home that would be provided by each parent; this evaluation often extends to live-in boyfriend/girlfriend, stepparents, grandparents, and other relatives;
4. Psychiatric evaluations of one or both parents and sometimes of children; psychological reports include IQ scores, MMPI profiles, interpretations of projective tests, interview summaries, and so forth;
5. Medical records of treatment for physical and/or psychiatric problems, physical spousal abuse, actual or suspected child abuse, sexual molestation, etc.;
6. In cases of physical or sexual abuse there may be copies of reports from outside agencies such as: a child protective agency, social workers (regarding foster home placement), previous marriage counselors, and so on;
7. Employment records include length and type of employment, job performance evaluations, and sometimes character references;
8. School records contain grades, IQ scores, written evaluations from teachers, and comments about social interactions with adults and peers;
9. Criminal records include police reports, investigation summaries of the nature and severity of crime, number of arrests, convictions, etc.;

10. Written allegations by witnesses who wish to testify on behalf of one parent or the other; these are dictated to and submitted formally through an attorney or are handwritten by the witness and submitted directly to the counselor;

11. A counselor's recommendation with regard to placement of the child(ren).

Court Records

Public records of court proceedings include depositions, minutes of the hearings, case dispositions, financial information, orders to pay alimony and child support, and records of domestic disturbance. Because domestic files include a wide range of legal issues such as divorce litigation, property settlement, visitation issues, and other domestic difficulties, those records that involve custody disputes were located by case numbers obtained from the custody investigation files.

Coding Instrument

A 290-item¹ instrument (available from the authors) was constructed to code information from the investigation files and the court records. Two factors governed the selection of items coded: (1) Factual information, and (2) Psychological theory. Demographic information, marital history, income, employment, race, and religion of clients were coded from the intake form. The entire contents of the records were coded by psychological factors. These were determined by psychoanalytic theory and its interpretation in child custody (Goldstein et al., 1973) and translated by a custody evaluation psychologist (Woody, 1978).

The coding instrument was designed to capture information from the most complex case and to cover the broadest possible range of topic areas. Many of the questions dealt with background issues that were deemed, on a priori grounds, to be of secondary importance; we thought that some of them might turn out to be helpful in clarifying the relationship among variables of central interest—the almost 100 mother-, father-, and child-related factors that are defined further in the Results section—and the criterion decisions. Records were often incomplete and some cases contained insufficient information to answer all of the questions. (However, the *ns* for most of the questions were in the 150 to 250 range; the lowest *ns* was 78).

The presence/absence of the counselor's recommendations and its details were coded, as well as the parents' respective wishes post-mediation. The coders were instructed to substantiate ratings with examples and not to make evaluative judgments. Data collected by two different coders revealed an average interrater reliability of $r = .74$, $p < .001$.

RESULTS

In light of the issues brought up in the introduction, the first step in the statistical analysis was to determine the number of cases in which there was a written counselor's recommendation to the judge with respect to child placement. Of the 272 coded cases, 164 (or 60.3%) contained a written recommendation. The association between the counselor's recommendation and the judge's physical custody decisions is presented in Table 1.

As can be seen from the high frequency of cases on the diagonal of Table 1, there was a considerable amount of agreement (75%) between the counselor and the judge (this relationship was highly significant: $\chi^2(9) = 167.25$, $p < .001$). A mother's custody

¹Although 290 spaces were allotted for data entry, the actual number of items coded was always less than this. The 12 items that concern the child, for example, were repeated for six children (the average family had two children with missing data in the remaining spaces); when medical records were absent, then data for the questions with regard to those records were also missing, and so on.

Table 1

Relationship between the Counselor's Recommendation and the Judge's Physical Custody Decision (Number of Cases)

Counselor's recommendation	Judge's custody decision				Total
	Mother	Father	Joint	Other	
Mother	54	7	4	4	69
Father	6	37	3	3	49
Joint	6	4	29	1	40
Other	0	2	1	3	6
Total	66	50	37	11	164

Note.—Split-custody decisions were infrequent and were counted as joint-custody decisions. $\chi^2(9) = 167.25, p < .001$.

was recommended by the counselor more frequently than father or joint custody (42%, 30%, and 24%, respectively), and the same was the case with the judge's custody decisions (40%, 30%, and 24%, respectively). Shifts by the judge away from the counselor's recommendation were, however, about the same for the mother-to-father case as the other way around. For the total sample of the 272 cases, custody awards after the first hearing substantially favored mothers (51%) over fathers (27%), but the likelihood of fathers obtaining custody significantly increased with the number of hearings. Thus, challenges to the first decision improved the father's chances of receiving custody, and the final distribution of custody awards for all 272 cases (mother, 42.6%; father, 30.6%; joint, 19.8%; other, 7.0%) closely resembled the breakdown of the 164 cases with the counselor's recommendation presented in Table 1.

Overview of the Analysis

To facilitate analysis of the decision process, the predictor variables were grouped into mother-, father-, and child-factors. These factor scores² (based on the relationship to criterion) provided a statistical index for each parent's desirability as the custodial parent. The child's preference for each parent was coded by counting recorded examples. Then a *difference* score was used to combine mother preference and father preference into a single score. The resulting child-factor score indicated the child's preference for mother over father, or vice versa. Equal preference for both parents (or for neither parent) yielded a zero preference score. The predictive capability of the factor scores was tested by crossing these scores with decisions. Significant relationships were found between judicial decisions and the mother factors, $\chi^2(3) = 10.20, p < .02$; father factors, $\chi^2(3) = 18.45$,

²Mother- and father-factor scores were derived from the significant predictors of judicial decisions. Based on whether high or low scores predicted the criterion, arbitrary 12-point mother-factor (10-point father-factor) scores were computed as follows: When physical appearance was good, mother-factor received +2; when social skills were good, mother-factor received +2; when social adjustment was good, mother-factor received +2; when maturity was good, mother-factor received +2; when quality of mother-child relationship was excellent, mother-factor received +2; when the mother-child relationship was good, mother-factor received +1; when mother kept child(ren), mother-factor received +2 (total possible 12 points). When maturity was good, father-factor received +2; when drug abuse was absent, father-factor received +2; when drug abuse was mild, father-factor received +1; when father kept child(ren), father-factor received +2; when father's living arrangement was with new wife or girlfriend, father-factor received +2; when father was living with female "other," father-factor received +1; when father desired custody, father-factor received +2; when father desired joint custody, father-factor received +1 (total possible 10 points). Factor scores were computed for each case and then reduced to categories (high,low) for the log-linear analysis.

$p < .001$; and child factors, $\chi^2(3) = 23.18, p < .001$. Decisions favored mothers when mother factors were high and father factors were high. The child's preference also predicted decisions.

Construct validity. The next step in the analysis was the development of a log-linear model to establish causal links among the variables. The decision model included the judges' decisions and the counselors' recommendations (as dependent variables) and mother factors, father factors, and child's preference (as independent variables). The validation process consisted of running the log-linear analysis in two different ways. First, the log-linear model was fit to the data using only the significant mother and father factors. These results were compared to a model that contained all mother and father factors with sufficient data for the analysis. As predicted, the larger data set did not predict the decision as well as a model that used only the significant factors.³

Mother factors. Predictors of mother decisions included all the general impression variables (physical appearance, social skills, social adjustment), the mother's maturity, quality of the mother-child relationship, and whether or not the mother kept the child(ren). Mother decisions were more likely when she was described as "good" (rather than "bad" or "not mentioned") in: physical appearance, $\chi^2(3) = 14.75, p < .002$; social skills, $\chi^2(3) = 13.90, p < .003$; and social adjustment, $\chi^2(3) = 21.44, p < .001$. Mother decisions were also more likely when the mother was high in maturity, $\chi^2(3) = 16.21, p < .001$; when the mother had an excellent, or good, relationship with the child(ren), $\chi^2(12) = 53.90, p < .001$; and when the mother kept the child(ren) with her during the initial separation, $\chi^2(3) = 16.78, p < .001$.

Father factors. Predictors of father decisions were the father's maturity, his drug abuse history, whether or not he kept at least one child, post-divorce living arrangements, and the father's wishes with respect to the custody decision. Father decisions were more frequent when the father was described as high in maturity, $\chi^2(3) = 20.83, p < .01$; when he had no history of drug abuse, $\chi^2(9) = 17.98, p < .05$; when the father kept at least one child with him during the initial separation, $\chi^2(3) = 20.48, p < .01$; and when the father's post-divorce living arrangement indicated that there would be a woman present in the home. Fathers who lived with new wives, their girlfriends, or parents had about a 50/50 chance of gaining custody, $\chi^2(12) = 24.83, p < .05$. There was also a significant relationship between the father's wishes (post-mediation) and physical custody decisions, $\chi^2(6) = 50.13; p < .001$.

Child factors. The only child factors that predicted judicial decision were "attachment to mother" and "attachment to father." Mother decisions were more frequent when the child(ren) expressed a preference for the mother, $\chi^2(12) = 26.49; p < .01$. Father and joint decisions were more frequent when the children expressed a preference for the father, $\chi^2(12) = 25.36; p < .01$.

Developing the Decision Model

To identify the actual decision-makers and the factors that influenced their decisions, a causal model was developed to predict both decisions (counselors' recommendations and judges' decisions) from the factor scores. Combining the significant predictors into mother, father, and child factors eliminated all expected frequencies less than 5, which allowed the log-linear analysis to include all 272 cases.

³The only way to establish that decision strategies are based on few factors is to test all the factors. Yet, running a large number of significance tests on the data increases the probability of reporting chance findings (5% will be significant by chance). Because the only protection against this problem is replication, identical analyses were performed on both halves of the data. The analyses differed by one factor. Only those factors that replicated (using different coders) were included in the log-linear analysis.

Log-linear analysis. Because the desired result is a similarity between expected and observed frequencies, a nonsignificant result indicates that the hypothesized model fits the data. After screening the data for significant effects, the following theoretical models were tested: (1) *Independence Model*, which hypothesizes that the judge and counselor review the case and make independent decisions; (2) *Judge as Decision-Maker*, which hypothesizes that the counselor makes an anticipatory recommendation in keeping with the expected judicial decision; and (3) *Counselor as Decision-Maker*, which sees the counselor as the causal influence on judicial decisions. Results of these analyses are summarized in Table 2.

Table 2
Chi-square Values that Resulted from Log-linear Analysis of Theoretical Decision Models

Model	df	χ^2	p
1. Independence model JM, JF, JK, CM, CF, CK	85	158.79	.000
2. Judge as decision-maker JM, JF, JK, JC	93	120.61	.029
3. Counselor as decision-maker CM, CF, CK, CJ (60% of cases)	82	101.39	.072
4. "Best interest" model CM, CF, CJ, JK, FK	92	97.56	.326

Note.—Chi-square values represent likelihood-ratio estimates.

J = judge; C = counselor; M = mother; F = father; K = child.

The third model approaches nonsignificance, which suggests that it is the counselor who influences the judge rather than the reverse. On the basis of these results, a fourth "*Best Interest*" Model was suggested. This model sees the counselor as influencing decisions on the basis of mother and father factors and the judge as looking at the child's preference and the interaction between child and father.

The best-fitting model is the fourth one. It includes all the main effects, plus five of the second-order interactions, and has a *p*-value of .33, which falls within the optimal range of $.35 > p > .10$ (Knoke & Burke, 1981). A pictorial representation of this model is presented in Figure 1. The same model was derived by starting with a fully saturated model and using a step-wise deletion procedure.

Alternative decision model. The model depicted in Figure 1 predicts decisions only for the 164 cases that contained written counselor recommendations. For the remaining 108 cases (40% without recommendations), another decision model was developed. Again the BMDP procedure identified two significant main effects (judge's decision [J], $p < .001$, and child preference [K], $p < .01$) and one second-order effect (judge's decision \times child preference [JK], $p < .02$). The model JK was already nonsignificant, $\chi^2(21) = 22.33$; $p = .38$, and represented an adequate fit to the data, which suggests that in the absence of a counselor recommendation, the judges were influenced primarily (57% of the time) by the child's expressed preference ($n = 41$). Stepwise addition and deletion procedures failed to produce a better model.

DISCUSSION

These results tend to substantiate Okpaku's concern that the social helpers will emerge as the true decision-makers in the difficult cases. Previous findings (Ebbesen & Konečni, 1975, 1982; Konečni & Ebbesen, 1982; Konečni et al., 1980) directed our

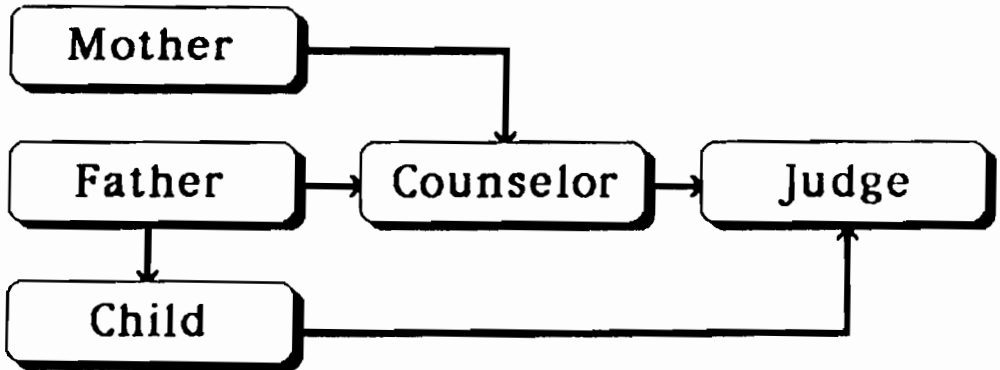


FIG. 1. Decision-Model for the resolution of child-custody disputes. This model was derived from archival analysis of the investigation files and court records of San Diego County's 1982 disputed, contested child-custody cases.

attention to causal influences among decision-makers and correctly predicted the direction of influence from the counselor to the judge. Factors that affect the decision of at least one participant in the system were first shown to influence custody decision. The model revealed that decisions made by judges were not independent from decisions made by court counselors. A causal chain was established in which judicial decisions were influenced by counselor recommendations, which, in turn, were influenced by a set of parental factors. The decision model suggests that factors associated with the father exerted the greatest influence on judicial decisions, but they did so primarily through the child's expressed preference for the father. The information flow depicted in the model (refer to Figure 1) indicates the direction of assumed causation and suggests a decision strategy that involves father, child, counselor, and judge (with mother custody as the default option). The causal link between the counselor and the judge was confirmed when a second model was derived for the 108 cases that lacked written recommendations; in these cases, parental factors statistically dropped from the model and left child preference as the single best predictor.

Contrary to Okpaku's claim that case workers apply unproven psychological theory, our data (as opposed to Okpaku's theory and case reports) suggest that the case workers are reducing the psychological theory to the facts presented in court. The individual factors in the model are less important than the finding that it was observable facts that predicted decisions. For example, the identification of the parent who kept the children is a fact (regardless of whether it reflects psychological commitment). Psycho-social histories, prefaced with descriptions of the parents' general appearance, allowed factual coding of these descriptions as "good" or "bad." The model did not say that good-looking mothers were more likely to be awarded custody, but mothers who looked O.K. were. The physical appearance variable should not be confused with physical attractiveness. Judges were directly affected by only two factors: counselor recommendation and child preference (Figure 1). Although the preference factor suggests a source of variance separate from the counselor's recommendation, viewing both as counselor input actually increases the counselor's influence (80% of the children were under the age of 12). The decision model is a simple one even though two of the factors in the decision model are multi-factorial. The mother-factors consolidate into a general impression variable, and the father-factors consist of an evaluation of the father as primary caretaker.

Our findings challenge Okpaku's accusation that the social helper's role is superfluous. Clearly, counselor recommendations are based on extensive investigations

that include family interaction, mediation, interviewing, testing, and record collecting. The factors that consistently predict custody decisions are identifiable factors such as who petitioned for the action, who wants the child, whom does the child want, what kind of home will be provided, and will there be a "mother figure" in that home—all of which are discernible by the judge. Judges want parents to see beyond their own needs and recognize the needs and rights of the child to a continued relationship with both parents. However, unless judges want to invest their time conducting the investigations themselves and being trained in psychology, child development, and the effects of various family constellations, decisions will require psychological input. Unfortunately, psychology's role in custody evaluations will remain vague as long as the law and the psychology upon which it is based are indistinguishable (Okpaku, 1976). Under the present law, the social helpers practice psychology, not law, by using behavioral examples as their evidence. To the extent that case workers confine their investigations and reports to observable phenomena, they evade Okpaku's criticism that decisions are based on unproven theory. The criticism that their decisions are devoid of behavioral science insights has not been disproven by the present study, nor can it be.

Counselors are bound by the ideals of mediation not to give advice while being pressured by the court to resolve the dispute. Thus, investigation counselors asked to make child-placement recommendations did so only 60% of the time. Counselors who declined to give advice (40% of the cases) may have done so for a number of reasons: They have felt the records were ample, the couple may have dropped the dispute during the investigation because they reached agreement on their own, because the disputants got tired of fighting, because they ran out of money, or because of other checks and balances in the system. The counselors, for example, are required to defend their recommendations under cross-examination.

Limitations of the Study

This study explained decision-making in 75% of the cases (judges were influenced 60% of the time by counselor recommendations and 15% of the time by an inferred measure of child preference). It is difficult from this study to know what factors govern the unexplained decisions. Judges claim their decisions are based on the attitudes and behaviors expressed in the courtroom, but there are no records of this behavior. Our analysis revealed that the counselor's condensation of the theory into a few observable facts predicted judicial decisions. Whether these factors truly reflect the theory as well as "the child's best interest" needs further investigation.

REFERENCES

- ADAMS, S., & SEVITCH, N. (1984). *California Family Law Practice* (5th ed.). Sausalito, CA: California Family Law Report.
- BRATT, C. (1979). Joint custody. *Kentucky Law Review*, 67, 271-308.
- DERDEYN, A. P. (1976). Child custody contests in historical perspective. *American Journal of Psychiatry*, 133, 1369-1376.
- EBBESEN, E. B., & KONEČNI, V. J. (1975). Decision making and information integration in the courts: The setting of bail. *Journal of Personality and Social Psychology*, 32, 805-821.
- EBBESEN, E. B., & KONEČNI, V. J. (1982). An analysis of the bail system. In V. J. Konečni & E. B. Ebbesen (Eds.), *The criminal justice system: A social-psychological analysis* (pp. 189-229). San Francisco: Freeman.
- GARDNER, R. (1977). Children of divorce: Some legal and psychological considerations. *Journal of Clinical and Child Psychology*, 6, 3-6.
- GOLDSTEIN, J., FREUD, A., & SOLNIT, A. J. (1973). *Beyond the best interest of the child*. New York: Free Press.
- IRVING, H. (1980). *Divorce mediation: The rational alternative*. Toronto: Personal Library.
- KATZ, J. (1966). Foster parents versus agencies; A case study of the judicial application of the best interest of the child doctrine. *Michigan Law Review*, 65, 145-170.

- KNOKE, D., & BURKE, P. J. (1981). *Log-linear models: Sage University paper #20*. Beverly Hills, CA: Sage.
- KONEČNI, V. J., & EBBESEN, E. B. (1981). A critique of theory and method in social-psychological approaches to legal issues. In B. D. Sales (Ed.), *Perspectives in law and psychology*. Vol. 2: *The jury, judicial, and trial process* (pp. 481-498). New York: Plenum Press.
- KONEČNI, V. J., & EBBESEN, E. B. (1982). An analysis of the sentencing system. In V. J. Konečni & E. B. Ebbesen (Eds.), *The criminal justice system: A social-psychological analysis* (pp. 189-229, 293-332). San Francisco: Freeman.
- KONEČNI, V. J., MULCAHY, E. M., & EBBESEN, E. B. (1980). Prison or mental hospital: Factors affecting the processing of persons suspected of being "mentally disordered sex offenders." In P. D. Lipsitt & B. D. Sales (Eds.), *New directions in psycholegal research* (pp. 87-124). New York: Van Nostrand Reinhold.
- MNOONKIN, R. A. (1985). *In the interests of children*. New York: Freeman.
- OKPAKU, S. R. (1976). Psychology: Impediment or aid in child custody cases? *Rutgers Law Review*, 29, 1117-1153.
- OSTER, A. M. (1965). Custody proceeding: A study of vague and indefinite standards. *Journal of Family Law*, 5, 21-25.
- TROMBETTA, D. (1981). Custody evaluation and custody mediation: A comparison of two dispute interventions. *Conciliation Court Review*, 19, 13-20.
- WALKER, T. B. (1967). Measuring the child's best interest: A study of the incomplete considerations. *Denver Law Journal*, 44, 132-146.
- WATSON, A. S. (1969). The children of Armageddon: Problems of custody following divorce. *Syracuse Law Review*, 58-86.
- WOODY, R. H. (1978). *Getting custody*. New York: Macmillan.