

Family Court and "Best Interests of Child"
2020 Pandemic & beyond



The Battle of the Century:
COVID vs. Education in Family Court



Presenter Dr. Mark Burdick

Education Opinion in Custody Court Evaluations

Presenters Mark Burdick & Jon Gould



Lack of Model

One of the criticisms of the best interest standard is its lack of definition, leading to confusion among child custody evaluators about what factors are supposed to be evaluated in an assessment. "The vagueness and indeterminacy of the standard make outcomes uncertain and give judges broad discretion to consider almost any factor thought to be relevant to the custody decision."
Scott & Emery (2013), p. 1.

Call for Model

- For more than 20 years, Gould has argued about the importance of defining specific questions at the beginning of a custody evaluation to guide the investigative process
- Identification of specific questions to guide the evaluation process allows forensic examiners to choose relevant and reliable tests.
- According to the Federal Rules of Evidence, relevant evidence is that having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence (Rule 401). Expert testimony is intended to assist judges in understanding the evidence or determining facts in issue (Rule 702).

Rationale for Model

- Child custody disputes often include conflict over school choice and school placement.
- To date, the child custody assessment literature has been silent about a conceptual framework useful in gathering data that would generate reliable data to be used as a basis for expert opinions about school choice and school placement.
- We offer an assessment framework to be used in child custody disputes to guide data gathering and data analysis of factors associated with school choice and school placement.

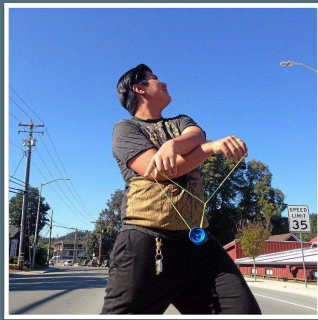
Factors in Education Decisions

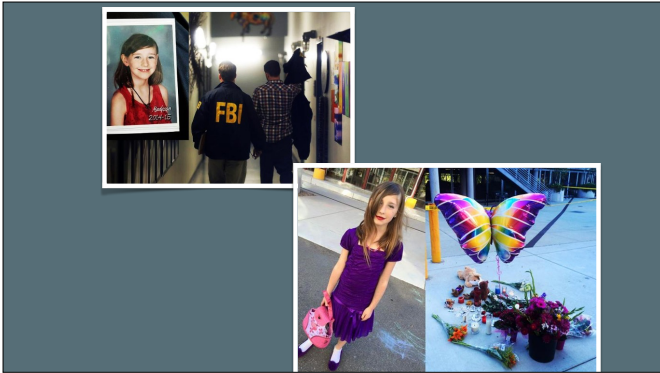
- Health & Safety determined by school data generated
- Ethnicity and school discipline; impact of cultural factors
- Special education, student support and school activities
- Faith-based or specialized approaches to education

A second chance:
New direction of
juvenile transfer case law



AMERICAN COLLEGE OF FORENSIC PSYCHOLOGY
34th Annual Symposium
April 12-13, 2018 • San Diego
The Westgate Hotel





Factors in (good /bad) Education Decisions

- Home-based or “portal learning” approaches to education
- Specialized approaches to education

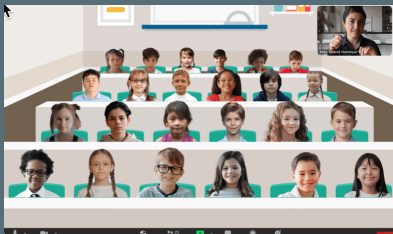
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Blast from the Past Portal



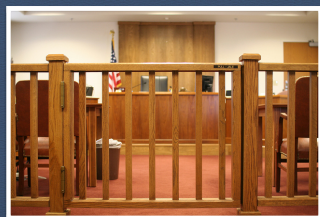
HOLLYWOOD SQUARES

Any Warnings?



www.healthychildren.org/MediaUsePlan

Brick vs. Portal



Forgive me, your Honor

- How tall will I grow?
- What school is the best for me? Do I even need a school?
- Can TikTok be my new school?





The Battle of the Century Politicians vs. Science



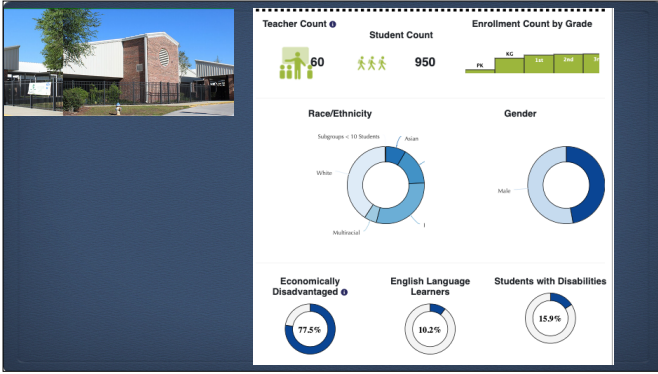


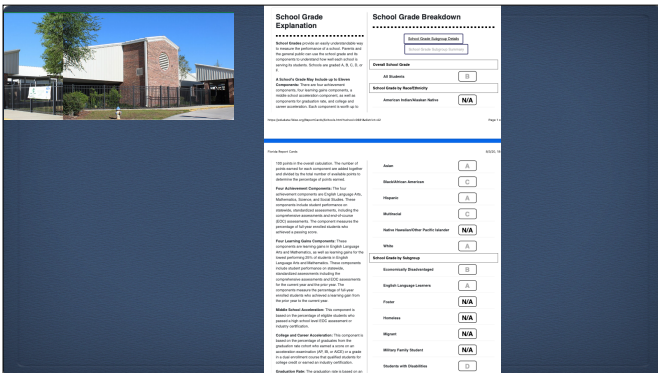




- "A" Rated School
- Five Star School Award
- Golden School Award
- Green School of Excellence Award
- Asthma Friendly School
- Perfect Safety Inspections

School District Battle of the Books champions for 3 consecutive years
Scholastic Read For the World Record Winner
Macy's Classroom Teacher Award Grants
Presidential Physical Fitness award winners
Three consecutive years of 100% satisfactory health, school food service, and custodial inspection reports



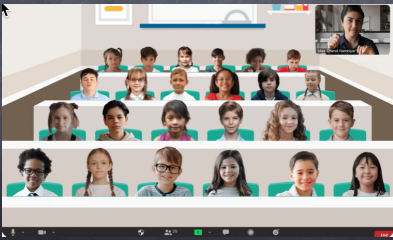




UNICEF Exec. Director Henrietta Fore
"It's been a long year for us, longer for our children"



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