

## BOOK REVIEW

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### Review of: *Contemporary Issues in Family Law and Mental Health*

**REFERENCE: Brock MG, Saks S. Contemporary issues in family law and mental health. Springfield, IL: Charles C. Thomas Publisher, Ltd., 2008, 141 pp.**

This book is a compilation of articles regarding the use of mental health evidence in court, which were originally published in the *Detroit Legal News*. Michael G. Brock, a mental health professional in private practice in Michigan, and Samuel Saks, a lawyer, teamed up to transform twenty newspaper columns into twenty timely, intriguing, and sometimes controversial book chapters. This book is part of the American Series in Behavioral Science and Law. Professor Ralph Slovenko, the editor of the series, said that this book “is an original and practical discussion of cutting-edge issues in family relations and the law. It sets out the proper use of mental health evidence in litigation” (page vii).

This work does not claim to be a comprehensive textbook of family law, but is simply a collection of essays on interesting topics. Some of the chapters discuss the various roles that a mental health professional might have in a legal setting, such as the difference between facilitative and evaluative mediation and between a custody evaluator and a parenting coordinator. Some of the chapters discuss the legal parameters (such as *Daubert v. Merrell Dow Pharmaceuticals* and its progeny) and the ethical parameters (such as the American Psychological Association Ethical Principles) that shape and limit the testimony of mental health professionals. These discussions are not detailed expositions from either a mental health or legal point of view, but are short and pithy.

The authors are most effective when they describe some of their own experiences and observations regarding forensic mental health topics. In the tradition of essayists and op-ed columnists, they can be quite opinionated. In a chapter called “Therapy Court,” the authors offer a scathing critique of the practice of arranging for a child to have psychotherapy when it has been suspected but not proven that the child was sexually abused. The therapist—who is the “judge” in this “Therapy Court”—assumes the child was abused and sets about to prove it. Brock and Saks say, “In Therapy Court it is often necessary to dig for the evidence, to ask the child

the same leading questions repeatedly and over a long period of time in order to encourage the child to disclose the abuse.” In another chapter, the authors present a dramatic case in which mental health professionals were asked to evaluate parents who were accused of seriously abusing their infant daughter. Based on their forensic evaluation, the mental health professionals were convinced the parents were innocent and they helped the defense attorney locate expert medical testimony that explained the unusual injuries and exonerated the parents.

While Brock and Saks touch on provocative topics in a rather cursory manner, they make thoughtful comments. For instance, they express concern that “false allegations of sexual abuse or physical abuse in custody cases are common” (page 81). This is a serious and very complex topic. The authors conclude, “The only real solution is to enforce criminal laws against reporting false allegations of abuse. Special attention should be paid to repeat offenders” (page 83). The authors believe that parental alienation is an important topic and they rightly say, “It is not difficult to alienate a child from a parent, but uncovering the truth and proving it in court can be quite difficult given the adversarial nature of our legal system” (page 88). In the chapter on evaluating children who may have been abused, Brock and Saks emphasize the importance of interviewing both the child, the accusing parent, and, if possible, the accused parent. They mention the paradoxical phenomenon that in cases of actual child abuse, the nonabusive parent may try to protect the guilty parent, while in cases of false allegations, the “innocent” parent may be adamant about the other parent’s guilt.

Because of its chatty style of writing and the brevity of its discussions, it is unlikely that *Contemporary Issues in Family Law and Mental Health* will be considered an authoritative text in a legal setting. However, the book will make interesting reading for both mental health and legal professionals who find themselves working together. It has the quality of war stories from veterans of years on the front lines. It is always good to see what happens when a mental health professional and an attorney team up to write a book together, and Brock and Saks have achieved a productive collaboration.

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