

1. Should brothers and sisters be in the custody of the same parent?
2. Should an older child, over age 12, have veto power in a custody dispute between two parents?
3. Should boys be placed with fathers and daughters with mothers?
4. Should young children, under age five, be placed with mothers?
5. Should continuity of residence and school district control placement?
6. Should children be placed with the parent who does not work outside the home or who works the fewest hours and/or the most convenient hours?
7. Should children be placed in the home that does not have/ will not have a stepparent? (p. 319)

Science cannot answer such value questions. Philosopher of science Carl Hempel (1965) has argued for the demarcation between factual issues that science in principle can settle and value issues that it cannot, and it is perhaps nowhere more important to make this distinction than in matters of child custody. Hempel makes this point using a thought experiment involving Laplace's demon—a hypothetical entity who knows all scientific laws and all initial conditions and who can perfectly and instantaneously make all relevant calculations needed to make an empirical decision:

Let us assume, then that faced with a moral decision we are able to call upon the Laplacean demon as a consultant. What help might we get from him? Suppose that we have to choose one of several alternative courses of action to use, and that we want to know which of these we *ought* to follow. The demon would then be able to tell us, for any contemplated choice, what its consequences would be for the future course of the universe, down to the most minute detail, however remote in space and time. But having done this for each of the alternative courses of action under consideration, the demon would have completed his task: he would have given us all the information that an ideal science might provide under the circumstances. And yet he would not have resolved out moral problem, for this requires a decision as to which of the several alternative sets of consequences mapped out by the demon as attainable to us is the best; which of them we ought to bring about. And the burden of this decision would still fall upon our shoulders; it is we who would have to commit ourselves to an unconditional judgment of value by singling out one of the sets of consequences as superior to its alternatives. Even Laplace's demon, or the ideal science he stands for, cannot relieve us of this responsibility. (pp. 88–89)

In short, even if all of the relevant empirical relations regarding various child custody options were known, we would still be left with the value questions of what outcomes are the best. This conclusion gives us a final perspective on our three sets of recommendations. Our recommendation favoring alternative dispute resolution and parent self-determination not only

recognizes the psychological importance of renegotiating family relationships for children but embraces the value that, except in cases of abuse or neglect, parents themselves should have the option of determining their children's best interests. Our call for the enactment of a custody standard such as the approximation rule that has the potential to produce more predictable outcomes urges a clear articulation of "family values" as embodied in the law. Finally, our recommendation that mental health professionals limit their role in providing expert testimony in custody cases places the value of science above all others in professional practice.

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