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Stuck in the Middle: Kids, Courts, and GALs



McLean County Illinois GAL Training
October 23, 2025



Sandwich by Freepikls

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Objectives

- Identify three major areas of threats encountered by courts, GALs, and the youth they serve, with a focus on high conflict cases.
- Identify and explore ways in which these threats can be managed.
- Identify and explore self-care strategies for those involved.



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Threat # 1 – Poor Boundaries

- Kids
 - › Often stuck in the middle between divorcing parents
 - › Often learn to manipulate warring parents
- Courts
 - › Treatment providers as experts
 - › Adversarial vs. advocacy model
 - › Weight of expert opinion
- GALs
 - › Refer to treatment?
 - › Best interest– decrease family tension vs child stress?
 - › Task overlap (stepping on toes)



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Corruption (threats to the resolution process)

Kids

- › "Wants" vs best interest
- › Impact of Negative stereotyping
- › Approach-Avoidance
- › Parental pressure
- › Developmental needs
- › Inconsistent parenting



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Corruption (threats to the resolution process)

Courts

- Vague orders
 - › Role of the GAL when a CCE is involved
 - Third attorney with contact rules identical to parents' attorneys?
 - GAL as a collateral contact, similar to information from other third parties?
 - › CCE limited to information gathered by GAL?
 - › Task allocation– Can a CCE and a GAL share information, or does the court prefer them to function independently?
 - › Role of the GAL absent a CCE
 - Should be clearly described



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Corruption (threats to the resolution process)

GALS

- Emotional over-investment
- What if I am wrong?
- Task over-involvement
 - › Task allocation agreements with psychologists?
- Task under-involvement
- Consider issue-based investigation requests from the parties
- Bias based on premature sharing of information with CCE



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External Players

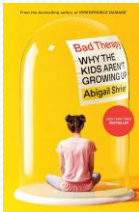
- Navigating interactions with parents
 - › What strengths do they bring to the parenting equation?
- Navigating interactions with kids
 - › What is the basis for their preferences?
- Navigating interactions with Therapists
 - › Who (treatment providers vs forensic evaluators)
 - › What (LPCs, CSWs, psychologists)
 - › Why (ethics)
 - › How (basis for opinions; observation? testing? biases?)



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Are therapists part of the problem?



Koocher, G.P., McMann, M.R., Stout, A.O., & Narcross, J.C. (2014). Discredited Assessment and Treatment Methods Used with Children. *Journal of Child and Adolescent Psychology* 44, 722-729.



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External Players

- Navigating interactions with others
 - › Choose interviewees carefully
 - Family and friends often unhelpful
 - Who has experience with the children?
 - Who has observed parenting behaviors?
 - › Paraphrasing Justice Kozinski [43 F.3d. 1311 (1995) at 1316]

Analyze not what the interviewees say, but what basis they have for saying it.



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Collateral Source Information

Slides and graphics to follow by David Martindale, PhD, ABPP (Forensic)
www.damartindale.com
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A reminder and a question

REMINDER: We call it collateral source INFORMATION for a reason!

QUESTION: What is . . .

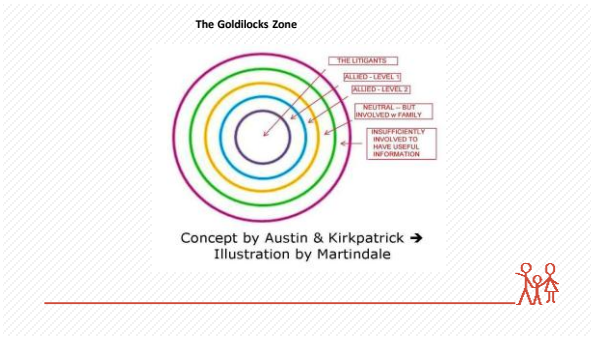


THE SOURCE of the information being provided?



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Austin, W. G. & Kirkpatrick, H. D. (2004).
The investigation component in forensic
mental health evaluations, *Journal of
Child Custody*, 1(2), 23-46.

[Also useful: Austin, W. G. (2002).
Guidelines for utilizing collateral
sources of information in child
custody evaluations. *Family
Court Review*, 40, 177-184.]

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**IN MAKING DECISIONS REGARDING
THE POTENTIAL USEFULNESS OF THE
INFORMATION LIKELY TO BE PROVIDED
BY COLLATERAL SOURCES ON THE HOT
SIDE OF THE GOLDILOCKS ZONE, CARE
SHOULD BE TAKEN NOT TO CONFLATE
MOTIVATION,
ACCURACY, &
VERIFIABILITY.**

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THERAPISTS AS ALLIES

Be particularly cautious regarding information imparted by treatment providers whose services have been arranged for after litigation has begun.



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Self-Care

- Kids
 - › Proper contact with both parents
- Courts
 - › Leave it at the office
 - › Set limits
- GALs
 - › Leave it at the office
 - › Set limits
 - › Circle of control



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Questions?

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