

DECLARATION OF PHILIP M. STAHL

I, PHILIP M. STAHL, declare as follows:

I know the following of my own knowledge and could testify competently thereto if called upon as a witness to do so.

1. I am a Psychologist, licensed by the states of California (PSY 10272), Arizona (# 3843), Hawaii (# 1370), and Michigan (# 001615) currently living in Maricopa County, Arizona. I am a Board Certified forensic psychologist (American Board of Professional Psychology and American Board of Forensic Psychology) who conducts child custody evaluations in California, Arizona and Hawaii, serves as an expert witness in courts around the United States, and who teaches judges and other practitioners throughout North America and internationally on a wide range of topics associated with high-conflict families of divorce.

2. I have trained thousands of mental health, legal, and judicial professionals in issues relating to high-conflict custody cases, child custody evaluations, and various issues associated with high-conflict divorce, such as child alienation cases and issues associated with Gatekeeping, relocation issues, child development and developmentally appropriate parenting plans, both across the United States and internationally. From 2007-2009, I was on a task force sponsored by the Arizona Supreme Court to help develop the booklet, "Planning for Parenting Time: A Guide for Parents Living Apart", published in 2009. I have been teaching courses at the National Judicial College since 1996, including being a regular faculty member for courses titled "Managing Challenging Family Law Cases" and "Domestic Violence," as well as a family law module at their General Jurisdiction class. I have also been faculty at numerous statewide judicial colleges throughout the United States, including at CJER in the 1990s when I lived in California.

3. I have performed court-appointed child custody evaluations or been qualified as an expert witness in 18 California counties, 3 Arizona counties, 3 counties in Michigan, in the First and Fifth Circuits of Hawaii, and many other states. A complete listing of jurisdictions in which I have completed such evaluations or served as an expert witness is listed on my curriculum vitae which is attached hereto as Exhibit A.

4. I have written extensively in the area of child custody evaluations, high-conflict divorce, and relocation. Publications include, among others, Conducting Child Custody Evaluations: From Basic to Complex Issues (Sage, 2010), "Avoiding Bias in Relocation Cases," Journal of Child Custody, Fall, 2006, and "Emerging Issues in Relocation Cases", Journal of the American Academy of Matrimonial Law, May, 2013. I am co-author of Forensic Psychology Consultation in Family Law Litigation: A Handbook for Work Product Review, Case Preparation, and Expert Witness Testimony, published by the Family Law Section of the American Bar Association in May 2013, and the author of a chapter in Handbook of Forensic Psychology, 4th Edition (Weiner, I. and Otto, R., Editors) on "Disputed Custody and Parenting Evaluations", (Wiley & Sons Publishers, 2013). A complete listing of my professional writing can be found in my curriculum vitae.

5. In short, I have been working in the child custody field for nearly 35 years. All of my qualifications are too numerous to state here. Exhibit A describes my qualifications and experience in more detail. However, it should be noted that I have performed approximately 1000 child custody evaluations in my career and have testified as an expert witness in over 100 separate cases, and worked as a consultant in more than 100 other cases that did not go to trial.

6. In addition to the above qualifications, I am aware that the duty of an expert witness is to assist the Court and not to be an advocate for any party. This declaration has been made in conformity with this duty, and if called to give testimony, I will do so, also in conformity with this duty. I am the sole author of this declaration and responsible for its contents. Opinions and recommendations are based on information available at the time of this declaration, and are subject to change with the presentation of additional information.

Disclaimer/ Limitations to Findings

7. Presently, I have not met any of the parties in this matter. With that limitation in mind, I am not able to comment on what is in these children's best interests, but instead will solely focus on the hypothetical best interests of children of similar age and circumstances as the six (6) children in this family.

Expert Considerations

8. In exploring this issue, it became clear that there is no research on the issue of comparing children's best interests vs. the freedom of the press in the psychological literature, especially in very high profile divorces. Quite frankly, given the very small numbers of families with this much publicity, research on this topic would likely be impossible to carry out. Similarly, I could not find any scholarly writings on this topic either. All statements being made in this report are directly associated with my nearly 35 years of experience, including many cases with high profile parents throughout North America.

9. At the same time, I found, via a Google search, a case in which the issue has been discussed by the California Court of Appeals. In *Keisha T* (38 Cal.App.4th 220, 1995), in which the Court stated, citing two other cases (*Tiffany G* [29 Cal. App.4th 443, 450-452] and *San Bernardino County Dept. of Public Social Services v. Superior Court* [(1991) 232 Cal. App.3d 188]), that "children's best interests" are the "primary concern" associated with the prohibition of dissemination of information regarding children in juvenile court. I certainly recognize that juvenile court and family court matters are different, but note that courts make decisions in both courts based on the primary consideration of the best interests of children.

10. Family Code § 3011 states that, in making a determination of the best interests of a child, the court shall (emphasis added), among other factors it finds relevant, consider, among other factors, the health, safety, and welfare of the child. Family Code § 3020 prioritizes health, safety, and welfare above frequent and continuing contact to ensure safety to children and all family members. Additionally, when a child custody evaluation is performed in California, evaluators are to attach Family Law Form 328 to the front of the report. This form identifies that a child custody evaluation shall not become a part of the public court file, one purpose of which is to ensure that children do not have access to the information in the report. Protecting children from seeing sensitive information about their parents and their parents' conflicts is always a key consideration in these matters.

11. All of this suggests that important and sensitive family information should be kept confidential to help ensure the health, safety, and welfare of children.

12. Furthermore, in my experience, I have been involved in many very high profile matters, and in each one of them, either parties have stipulated or courts have ordered that information be sealed when potentially sensitive or damaging information could be discovered by children in family court matters. In one Southwestern state, the case was sealed when the court was concerned that allegations that a parent was engaged in the business of pornography would be made available to the young children if the case weren't sealed. In another case in a Midwestern state, the case was sealed in a relocation matter involving a very high profile athletic coach, in order to keep the information away from the 7-year-old child. These are but two examples in my experience where cases were sealed to protect children's well-being.

13. Judges regularly order parents when they are in conflict to avoid discussing the details of their divorce with their children. Obviously, this is done with children's best interests in mind.

14. Added to the above, we do have research to show that children are harmed when exposed to their parent's conflict and adult details of the divorce. Potential harms can include, but are not limited to, becoming significantly confused, anxious, depressed or saddened, or becoming alienated or estranged from one parent, when drawn into the middle of the conflict. In a situation where children are exposed to conflicting statements by each of their parents, as is common in conflicted divorces, children can be overwhelmed by their exposure to the parental conflict. Again, this is why judges routinely order parents to avoid saying anything to the children about the divorce and the disputes between the parents.

15. In my very brief Google search about the divorce between these parents, the undersigned observed stories about this conflict, including but not limited to information about the alleged details of the supervised visitation, allegations of one parent as being "erratic", while the other is alleged to be abusive. On some sites, complete strangers are weighing in and making derogatory statements about one or both parents. None of this would be healthy for children to see, and could add to any experiences of confusion, insecurities, sadness, or loyalty conflicts they might experience, worsening harm they might experience simply by

1 virtue of their parents' conflicted divorce. This is clearly not in their best interests and would
2 be harmful to their health, safety, or welfare.

3 16. Even worse, one site identified that a current "nightmare" was that at least one
4 of the adopted children might end up having to return to the biological parent in the country
5 of origin. It's hard enough for adopted children to feel secure in a new family, especially a
6 family going through a conflicted divorce, only to potentially being exposed to such
7 information. In this expert's opinion, that could only exacerbate any potentially harmful
8 emotions.

9 17. It should also be noted that once information is available in TV or on the
10 internet, it is available forever. Between Google, YouTube, and cable and satellite on
11 demand services, what might have been available for a short time is now available for an
12 indefinite period of time. Even if the children are not exposed to their parent's information in
13 the moment, they could be exposed to this information as they get older and start to explore
14 the internet at a future point in time. Again, this can be potentially harmful, based on the
15 above.

16 Conclusions

17 18. I remind the court that the undersigned has no knowledge about what is in
18 these particular children's best interests. At the same time, children of this age, especially
19 older ones, are certainly old enough to use the internet, and in the undersigned's experience,
20 children look for information about their parent's divorce wherever they can. If the case
21 information is not sealed, and based on my experience and the above statements, it is the
22 undersigned's opinion that this increases the risk of harm to children in circumstances like
23 this.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 2, 2016 at ~~Los Angeles, California~~ GILBERT, ARIZONA



PHILIP M. STAHL