

## Polygraph in Family Court

An article by Kenneth E. Blackstone

Allegations of child molestation and abuse are often described as the perfect weapon in divorce and subsequent child custody disputes and have been identified as an epidemic in the family court system. Allegations appear in different forms -- some allegations are based on fact; some are made maliciously; some are made out of genuine concern for the child or children; and some allegations are a mixture of truth, deception, misconception, and panic. Some allegations are very specific and some are quite vague, but they always have a tremendous impact on the Court. The most straightforward and accurate means available for determining what is and what is not fact is a polygraph examination conducted by an objective and experienced polygrapher.

Cases are sometimes referred to me as part of a psychosexual evaluation, sometimes as part of a child protective services investigation, sometimes by a guardian ad litem, sometimes by the private attorney of the accused, and sometimes by the Judge. As an examiner I have conducted numerous examinations to determine the veracity of allegations that emerge in family court and have tested the accused, the estranged spouse/outcry witness, and the alleged victim. As an expert witness I have been deposed and have testified in court about tests that I have administered and about tests that I have reviewed for another professional. My testimony has been in support of the accuser (plaintiff) and at other times in support of the accused (defense).

Polygraph examiners have standards and proven principles to follow, and every minute of a polygraph examination should be videotaped and available for review by another professional polygraph examiner. Written reports should clearly describe materials reviewed prior to testing, the protocol followed by the examiner, the research that supports that protocol, and the test questions asked during physiological measures. It has been my practice to review all discovery materials available, especially forensic interviewing of the alleged victim prior to the examination, and to describe those materials in my written reports. Most reports will also include a time-line that describes the relationship, the break-up or argument, and the allegation and whether the allegation appears to be true.

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