

COMPLETE CUSTODY/VISITATION EVALUATION

PURPOSE: To assist the Court in arriving at an appropriate decision regarding the physical care and custody and/or visitation schedule of a child. It may also entail assessing the need for treatment either of the child, a parent or the family as a whole. The focus is the best interest of the child.

PROCESS: (1) When the evaluator first receives the case contact is made with each attorney (if the parties are not pro se) in order to obtain an over view of the case and learn of the current status. In rare situations this phone call has revealed that the parties have reached a settlement.

(2) The evaluator then contacts each party and schedules an individual office appointment. The purpose of the evaluation is explained to the party. It is during the individual office interview that a psychosocial assessment is compiled. This involves obtaining a detailed social, educational, employment, medical, mental health, criminal, and marital/relationship history. The party is asked what is the outcome that they would like to see as a result of the court case. They are also asked to explain why they should be granted custody; *not* why the other party should not be granted custody.

The parent is instructed to explain their care taking plans and childcare arrangements if granted custody. This includes what school the child will be attending, who will baby-sit if necessary, what pediatrician will be utilized, what church or worship center if any the child will be attending, etc.

The parent is asked to reveal what they are willing to accept or compromise to and to list positives of the other parent. There is a time that the party is invited to vent their concerns and proffer written documents, reports and lists of collateral contacts that they would like the evaluator to contact.

The parent is then asked to describe their child(ren) in terms of health, education, personality, and relationship with each parent, and siblings if any. The parent is asked to describe any changes observed in the child since the separation and how the child is emotionally dealing with the situation. They are asked to describe how they are assisting their child during this emotional time and what appears to be a help and a hindrance.

At the conclusion of the office interview, the evaluator then schedules a home visit that must include the child's presence. It is made very clear that this is not a time to interview, rather to observe the child's comfort level in the home and the interaction between the parent and child. The office interview of the child may also be scheduled at this time but should occur *after* the child has been seen in each home with each parent.

(3) The evaluator then conducts a home visit whereby she sees the child(ren) in each parent's home. The child is asked to give the evaluator a tour of the home and to show her the child's room. During this visit the child should be introduced to the evaluator and made to understand that at a future date the child will be visiting the evaluator at her office. This is done in a very non-threatening way and is down played by the evaluator and hopefully the parent.

This is a brief visit and the parent is **not** to discuss any aspects of the case or the other parent in front of the child.

(4) The final interview is with the child(ren) at the evaluator's office. It is again explained to the child who the evaluator is and what her role is in meeting with the child. This interview is private and should not include either parent or attorney. It is explained to the child that the evaluator is doing for the judge what he or she cannot do because of the judge's schedule. That is, to go out and see every body and find out how best to help the child and his or her family.

It is made very clear that the child is in no way going to be made to choose between his or her parents. It is not the child's decision. It is the judge's decision and he or she wants to make the best decision because the judge cares greatly about the child's happiness. This must be conveyed to the child or they may become distrustful and not open up to the evaluator. It must also be made clear to the child that his or her parents love her and just need some help in working things out. There is no bad parent in this scenario.

The child is asked about his or her daily routine in each parent's home. The evaluator may inquire about parent/child activities and what the child likes best and worst in each home. The child is also asked what they were told to tell the evaluator. Historically this question has revealed a wealth of information and can be a great aid in the assessment process.

Sometimes the child will spontaneously disclose a preference for either a parent and/or a home. If this occurs it should be explored because there can be a vast number of reasons why the child has revealed this desire. It could be based on very concrete reasons or emotional reasons. Either way, once brought up it must be addressed. To not address the disclosure could be viewed by the child as a dismissal of his or her feelings and desires.

The evaluator may want to ask the child if he or she is having any problems, be it in school, with a parent, sibling, or personally. The evaluator shall offer help in solving the child's problem. This may consist of conveying unpleasant information to one or both parents, somewhat speaking for the child.

The evaluator may ask the child if there is anything the child could change what would that be and if there is anything the child wants specifically to tell the judge.

The child is asked if he or she has any questions for the evaluator and if there is anything that they have not discussed that the child would like to discuss.

(5) Throughout the above process the evaluator is conducting telephone interviews with collateral contacts such as references, therapists, doctors, teachers, probation officers etc. She may also be reviewing medical, psychiatric and/or psychological reports. In some cases the evaluator must review MCHHS Child Protective Services records and in that instance obtains releases and a court order to conduct such a review.

(6) The Court Evaluator then compiles a report to the court which consists of all the information obtained during the evaluation process. (The outline for said report is attached.) At the conclusion of the report is a summary of the case/evaluation and recommendations pertaining to custody, visitation, and in many cases treatment. The evaluator does not micro manage or develop a visitation schedule. Rather, she addresses generally how often, and whether or not it needs to be supervised. In rare instances the evaluator will proffer an actual schedule.

CONCLUSION: The report or evaluation is filed under seal in the court jacket. Copies are sent to the attorneys of record. If one or both parties are pro se, dissemination is left up to the decision of the judge.

This is a very involved process that takes a great deal of time on the evaluator's part. Interviews with the parties can run two to four hours depending on the circumstances. Sometimes there is more than one interview. Depending on if and how many professionals have been involved with the family, the length of the report and time involved can be profound.

Therefore when ordering a complete evaluation it is prudent to allow 60 to 90 days for completion.