

## CUSTODY ASSESSMENT

**PURPOSE:** To assist the Court in arriving at an appropriate decision regarding the physical and legal care and custody and/or visitation schedule of a child. It may also entail assessing the need for treatment, psychological evaluation and/or a complete evaluation. The focus is the best interest of the child.

Reasons to not order an Assessment include; actual domestic violence, substance abuse, severe mental illness and child abuse. If one of these factors exists, the case needs to be referred for a Custody Evaluation. If the evaluator discovers this during the assessment, contact will be made with either the Family Division Master or Case Manager.

**PROCESS:** When the evaluator first receives the case contact will be made with each attorney (if the parties are not pro se) in order to obtain an overview of the case and learn of the current status. In rare situations this phone call has revealed that the parties have reached a settlement. The evaluator will conduct four sessions as follows. Session one is with one party, session two is with the other party, session three is with the child(ren) in one party's home and the fourth session is again with the child(ren) in the other party's home.

### **Office Interviews:**

The evaluator contacts each party and schedules an individual office appointment. The purpose of the assessment 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 he/she would like to see as a result of the court case. The party is also asked to explain why he/she should be granted custody, *not* why the other party should not be granted custody.

The party is instructed to explain his/her caretaking 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 party is asked to reveal what he/she is willing to accept or compromise to and to list positive qualities of the other party. The party is also invited to express concerns about the other household and/or the other party's caretaking skills or lack thereof.

The party is then asked to describe the child(ren) in terms of health, education, personality, and relationship with each party, and siblings, if any. The party is asked to describe any changes observed in the child(ren) since the separation and how the child is emotionally dealing with the situation. Each is asked to describe how he/she is assisting the child(ren) during this emotional time and what appears to be a help or a hindrance. At the conclusion of the office interview, the evaluator then schedules a home visit with the child(ren) and each party. In both instances the interaction between the child(ren) with each party is observed as a part of the session.

## **Home Visit:**

During the home visit the child is asked to give the evaluator a tour of the home and to show the evaluator the child's room. The evaluator will explain who he/she is and what his/her role is in meeting with the child. This interview is private and should not include either party or attorney. The evaluator will explain to the child that he/she is doing for the judge what would be very difficult for the judge to do because of the judge's schedule: e.g. to meet everybody and find out how best to help the child and his/her family.

It is made clear to the child that he/she will not be made to choose between either party, that it is not the child's decision, that it is the judge's decision, and that 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 he/she may become distrustful and not open up to the evaluator. It must also be made clear to the child that both parties love the child and need some help in working things out, and that there is no bad party in this scenario.

It is made clear to the child that what is disclosed to the evaluator is not confidential and that either or both parties may learn what the child has said to the evaluator.

The child is asked about his/her daily routine in each party's home. The evaluator may inquire about activities the child and each party engage in and what the child likes best and worst in each home. The child is also asked what if anything he/she was 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 party 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 party, sibling, or personally. The evaluator may offer help in solving the child's problem, such as conveying unpleasant information to one or both parties, on behalf of the child. However, this can be done only with the child's permission.

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.

**Joint Meeting with the Parties (discretionary):**

If after interviewing the parties and the child(ren) the evaluator in his/her discretion feels that a settlement is possible, the evaluator may schedule a joint meeting with the parties prior to the settlement conference, the purpose of which would be to facilitate an agreement between the parties as to custody/visitation.

**Oral Report:**

The Court Evaluator then presents an oral report to the Court, parties, and attorneys at the settlement conference. The oral report will include a summary of the case, information obtained from the assessment, and recommendations as they pertain to custody, visitation, and possibly treatment.

**CONCLUSION:** The assessment solely involves meeting only with the parties and the child(ren) individually. There are no collateral contacts, no review of records, and no written report. It therefore will demand less time and should be able to be completed in 30 to 45 days.