

## Custody Evaluations: What to expect. By Cassandra P. Hicks©

### I. Private Custody Evaluation v. Court Evaluator:

#### **Differences:**

With a private evaluation, you select your own evaluator. The cost will range from a low of \$5,000 to \$20,000 depending on evaluator chosen, the issues involved, etc. The average cost of a private evaluation will be between \$8,000 to \$14,000, and can take up to 3 months to complete. A home visit is usually done. An evaluation will usually include some psychological testing of the parents and the children. A private evaluation is a more in depth and extensive evaluation with more collateral contacts. Any therapists for the parties and the children will be contacted. A written report is normally done and recommendations are made regarding custody and access.

With a court evaluation, the court chooses the evaluator who is an employee of the court. The advantage is that there is no cost in Montgomery County, although other Counties such as PG County (\$1,000) may charge for this service if it is available. The maximum time allowed to complete the evaluation is 6 weeks and can be done over a shorter period of time if the evaluator is over booked. A home visit is done for parties living within the county. Psychological testing not normally done unless it is ordered by court and then, the testing is done privately by an outside psychologist with a cost that is typically between \$2,500 to \$4,000, depending on the issues and tests to be conducted. The evaluation is limited by time constraints and thus, fewer collateral contacts are usually done. Any therapists for the parties and the children will be contacted. A written report is normally done and recommendations are made regarding custody and access.

### 2. What does a custody evaluation consist of:

A. Review of documents: complaints, interrogatory answers, deposition transcripts, e-mails between parties, school records, medical records of parties and/or children, agreements between parties, protective orders, statements from collateral sources, correspondence between counsel for the parties, etc.

B. Interviews: children, parents, collaterals (frequently done by phone, not in person).

C. Home visits/observations of parent and child interaction: each party observed with children in their home (if live in county); each party observed with children in evaluator's office (even if only when parent brings the child/ren for their interviews)

D. Psychological testing: MMPI-2, ASPECT, Bricklin, other objective and projective tests to assess parent child relationships, etc. If issues involving parents or child's mental health, other tests may be done.

3. What kinds of recommendations can a custody evaluator make:

- A. Access schedule (residential custody and visitation)
- B. Legal custody
- C. Holiday and vacation access
- D. Therapy for parents, children
- E. Whether a parent coordinator should be assigned

4. What are the factors the evaluator will consider:

- A. Wishes of parents
- B. Wishes of child/ren
- C. Interaction and interrelationships of the child/ren with parents, siblings and anyone else who significantly impacts best interests of child (step parents, etc.)
- D. Child/ren's adjustment to home, school, community
- E. Mental and physical health of the parties and children
- F. Any issues of domestic violence, abuse, or drug/alcohol abuse
- G. Past and current involvement with children and their care
- H. Other factors that are relevant to each case

5. What characteristics of a parent are important:

- A. Favorable attitude toward the other parent
- B. Ability to maintain continuity in the child's relationship to peers, school, and relatives
- C. Skilled parenting (empathy; knowledge of child's daily routine, friends, doctors, teachers, learning styles and skills; appreciation of child's developmental levels; ability to communicate and get along with important people in child's life such as other parent, school, doctors, coaches, parents of friends, relatives; competent guidance; and discipline)
- D. Humane, flexible, but consistent child management
- E. Attachment to the child that is not based on parent's own needs

6. What questions is the evaluator going to ask:

- A. what access schedule is in place
- B. what problems are there with visitation/access schedule
- C. reasons why parent feels he or she would make best primary custodial parent
- D. strength and weaknesses of each parent
- E. reasons why other parent would not make the best primary custodial parent
- F. reasons why joint physical custody/access is or is not appropriate
- G. concerns regarding other parent

- H. what schedule you think is in the children's best interest and why
- I. amount of time parent willing to allow other parent to have with the children
- J. reasons for the divorce
- K. living arrangements and environment parent will provide for children  
(residence, school, child care, baby sitters, etc.)
- L. history of who did what for children when parties lived together
- N. special needs of children (ADHD, Learning disabilities, etc.)
- O. relationships with relatives
- P. Children's schools, friends, interests, skills
- Q. employment history, current work and hours, work travel
- R. children's developmental history, milestones met, etc.
- S. educational history of parents, children
- T. psychological, medical history of parents, children
- U. domestic violence, alcohol use, drug use, problems with the law
- V. prior marriages, reasons for prior divorces
- W. major stressors in lives (moves, changes in babysitters, death in family, etc.)
- X. what you do with children
- Y. how each parent disciplines children
- Z. other: concerns raised by other parent, children, what told children about divorce, whether discussed litigation with children, support issues

7. How do I prepare for an evaluation:

- A. Obtain documentation to give to evaluator (school records, medical records)
- B. Prepare a list of collaterals for the evaluator to speak to - these should include people who have had an opportunity over time to see you and/or your spouse with the children, teachers, coaches, doctors, therapists, etc. Although family and friends are frequent collaterals, it is important to include people who would be considered neutral- teachers, coaches, neighbors and other adults in the children's lives. Include contact information such as addresses, phone numbers, email addresses.
- C. Prepare a list of children's friends, coaches, teachers, doctors, dentist, etc. Include contact information such as addresses, phone numbers, email addresses.
- D. Review your own and your spouses Answers to Interrogatories, Complaint, deposition transcript, and any relevant motions or pleadings.
- E. Develop an access schedule you believe is best for your children and be prepared to explain your rationale for it. (This is not just what you want, it is what is best for your children.) Consider how holidays have been celebrated in the past and what holiday traditions may be important to your family and to your spouse's family. Consider work schedules, child care arrangements and needs, children's activities such as travel sports teams, etc. Consider vacation needs and how school sports or activities may impact the schedule for the children.
- F. Consider what issues you believe are most relevant to the evaluation.
- G. Be prepared to list the other parent's strengths and weaknesses as both a parent and a person. Do the same for yourself. Be realistic and honest.
- H. Be prepared to describe your parenting style and that of the other parent. In other words, what is important to you as a parent- how do you parent.

- I. Be prepared to describe your discipline style.
- J. Be prepared to describe each of your children (their strengths, weaknesses, traits, skills, ability to adjust to transitions and changes, etc.)
- K. Be able to distinguish between your needs and your children's needs.
- N. Meet with your attorney to discuss the evaluation process

8. Summary:

The decision to use a private evaluator or a the court's evaluator should be based on the circumstances of your situation and the complexity of the issues involved. If there are issues of physical or sexual abuse, a private evaluation is normally recommended. If financial resources are limited and the issues are fairly routine, a court evaluation may be sufficient. Regardless of which evaluation is chosen, it is as important to prepare for the evaluation as it is to prepare for the custody trial.