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*FORENSIC & CLINICAL PSYCHOLOGY*

## **Explanation of Custody Evaluation Procedures for Parents and Attorneys**

A comprehensive custody/psychological evaluation is designed to provide the court with important information about you, your spouse, and your child(ren) so that the court can make a decision about what is best for your child(ren). Generally, all the elements of a Social Study are included in this report. The guiding principle in this evaluation is the best interest of the child(ren) as determined by reviewing their unique needs and the parenting capacity of each adult. While a comprehensive report with recommendations is issued based on information garnered during the evaluation, it is ultimately the court who makes a final decision regarding the best interest of the child(ren) in this matter. A final report, approximately 25-35 pages in length, is usually issued within 7 to 12 months after the initial session. The report may be useful to parents in terms of reaching a mediated settlement. In crafting the report an emphasis is made on each parent's strengths and weaknesses in relation to the family's unique needs.

While each evaluation is designed to realize the optimal situation for the family, each evaluation will generally consist of the following steps:

- Interviews of each parent alone
  - 45 minute initial evaluation
  - 2 hour parent interview
  - 1 hour history and clinical interview
  - 2-3 additional 45 minute follow-up sessions
- Interviews of each child alone
  - each parent brings a child for a 45 minute in office interview, 2 times
- Interviews of each parent with the child(ren)
  - observations of each child interacting with each parent in the office of the evaluator
- Review of the school, medical, and mental health records of the child(ren)
- Contact and interviews with 10 to 15 individuals who have knowledge of you and/or your interaction with your child(ren)
- Home visit or observation at each parent's home
- Interviews or possible evaluation of each step-parent or other individuals who have frequent contact with the child(ren).

The evaluation may also include:

- Interviews with teachers, friends, neighbors and therapists
- Review of medical records and therapy records of previous treatment

- Psychological testing of both parents and child(ren)
- Review of relevant court documents including court transcripts, depositions, and interrogatories
- Review of other legally produced material such as videos, e-mails, tape recordings, and other relevant written or recorded material
- Review of private investigation documentation

The evaluation is designed to give both parents equal opportunity to be considered for custody, and to assess whether joint custody is workable (if that is legally possible in your case). Recommendations generally include a proposed plan for custody as well as a schedule for access, possession, and other recommendations to facilitate healthy growth for your family and optimal co-parenting for your child(ren).

Your cooperation is essential; however, you may ask to interrupt the evaluation at anytime. It is important that you are honest and that you express your concerns for your child(ren) completely so that we can be sure that we have considered everything that you feel is important. It is also important that you keep your appointments. If some unexpected event arises that makes it impossible for you to keep a scheduled appointment, you must call and notify my office 24 hours in advance to avoid a charge. I will assume that your continual absence is a sign of your unwillingness to participate in the evaluation process.

I will utilize other qualified mental health professionals for certain portions of the evaluation, primarily collateral calls and clinical and history information gathering.

At the conclusion of the evaluation, your attorney, the other parent's attorney, and the court will receive a copy of my report. I will not provide either parent (or their attorneys) with preliminary opinions before the report is submitted to the court. It is important to remember **this is not therapy** and thus recommendations are not made until the conclusion of the report.

The whole of the evaluation will be conducted within the following boundaries:

1. All relevant contacts between evaluator and every party to the litigation will be noted and reported to the court.
2. **There is no privileged communication for any party in custody evaluations. All information discovered during the assessment must be reported to the court and used in determining the child(ren)'s best interest. Nothing is off the record.**
3. The fees for a custody evaluation must be paid in advance. Work stops when the retainer is depleted and resumes upon receipt of additional retainer.
4. Expenses associated with the evaluator's travel to visit a party living outside the local area of the evaluator, will be the responsibility of the requesting/visited parent.
5. All parties to the litigation must sign consent forms agreeing to have themselves and their child(ren) evaluated.
6. All parties to the litigation must sign release forms agreeing to allow the evaluator to communicate the information to the attorneys, the other parties in the litigation, and other professionals.
7. Parties must agree to furnish all documents that are requested by the evaluator, including, but not limited to, the following: divorce decree and/or custody orders, medical evaluations, all previous psychological evaluations, school records, court documents, client letters, diaries or daily logs, and police reports or court papers.

8. **The evaluator should not be copied on or sent email communications unless the parties are specifically requested to do so.** Either party should print out relevant e-mails to bring to their next session with the evaluator, if their desire is to have them included in the evaluation. E-mails regarding your case, with the exception of scheduling, are not reviewed or saved. Any information pertinent to the evaluation should be produced and discussed during appointment times.
9. The evaluator will not review illegally obtained information, no matter how important it is to the evaluation.
10. The evaluator will respect the privacy of all parties to the litigation, and will not include any personal information in the written report that is not directly relevant to the issue of child(ren)'s best interest. The evaluator will limit the issues to those listed by the court or agreed to by the attorneys and parties to the litigation and he will not address issues outside the referral order. The evaluator will only include relevant information in the report and he will not make statements about any parties not assessed.
11. You may consult your attorney at any time should you be unsure of how to respond or proceed in the evaluation. Such consultation is never viewed negatively nor does it affect the outcome of the report.
12. The completed evaluation report and/or supporting documentation **WILL NOT** be released for use in civil suits without the agreement of both attorneys and then only upon the issuance of a court order specifically requiring the evaluator to release the designated documentation and/or report.

If you have any questions about the evaluation process, please ask at any time. A refundable retainer is required before the evaluation begins and payment of the total evaluation fee must be received before the report is released to anyone. Any unused balance of the retainer will be refunded at the end of the case as noted by a final judgment. The average cost of an evaluation is \$10,000 - \$15,000; however, it can be more.

Upon completion of the evaluation, in the event a court appearance or deposition is required of the evaluator, a subpoena and a non-refundable retainer must be received at least 48 hours prior to the scheduled appearance. The amount of retainer will be determined at the time the appearance is coordinated with the evaluator's scheduler.

The best interest of your child(ren) is our highest priority.

Thank you for your cooperation.

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