Understanding Child Custody Evaluation for Parents

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If you and your ex-spouse find that you cannot agree on a custody and visitation parenting plan, even after mediation and other settlement efforts, you might be ordered to participate in a child custody evaluation. Briefly, a child custody evaluation is a process in which a mental health expert, usually a psychologist, evaluates your family and makes a recommendation to the court for a custody-visitation or parenting plan that is in the best interests of the child. This section will explain in detail what you can expect when you have such an evaluation, and how you can prepare yourself and your family for the evaluation.

In mediation you and your ex-spouse are encouraged to reach your own agreement about custody and visitation, and develop a parenting plan for your children. When you have a child custody evaluation, however, your evaluator will recommend a plan to you and the court. Rather than a settlement process, like mediation, it is a process in which the evaluator gathers information about you and your family and makes a recommendation based on that information. In an ideal situation, you and your ex-spouse can use that recommendation to reach a settlement, but if not, the judge can use the evaluation - along with other testimony - to make an order for a parenting plan for your family.

Typically, an evaluation is required when parents cannot come to an agreement. There is usually a specific issue or two that requires an evaluator to make a recommendation. It is fairly common for evaluations to occur when parents cannot agree on day-to-day custodial arrangements, or whether or not a move is in a child's best interest. A child custody evaluation is often required when there is a significant change in circumstances, such as the start of school for children, or their movement into adolescence. Sometimes parents agree that they do not wish to share custody equally, but each parent wants primary custody of the children. In those cases, an evaluation is useful in determining which parent has the healthier relationship and is better suited for primary custody.

More complex custody evaluations are done when parents allege alcohol or drug abuse, physical or sexual abuse, domestic violence, serious mental illness or other such problems against each other during litigation. In such circumstances, the courts will usually order an evaluation, in an attempt to determine the truth about the allegations and to make recommendations in the best interests of the children.

In recent years, it has been determined that the best way to do an evaluation is to have a single, neutral and objective evaluator who is appointed by the court and hired by both parents. This helps to assure that the recommendations are truly in the children's best interest, and not serving the interest of the parent who hires his own evaluator. By avoiding

multiple evaluations, you reduce the likelihood of your children feeling caught in the middle of the conflict. The healthiest way to utilize an evaluation is to answer specific questions, and not use them as weapons in the litigation war. Ultimately, child custody evaluations are most effective as part of the overall settlement process. As mentioned above, it is best if you can use the information from your evaluation to reach a settlement on the parenting plan for your children.

The Evaluation Process

While not all evaluators utilize the same process, there are certain things that you should expect in all evaluations. These include:

- at least two individual interviews with each parent.
- at least two individual interviews with each child.
- observations of your child with each parent.
- a review of court documents and other appropriate written information.
- contact with collateral sources, such as therapists, teachers, day-care personnel, and pediatricians.
- a written report with specific recommendations about custody and visitation, and which addresses all of the major concerns raised by you and your ex-spouse.

In addition, your evaluator might do psychological testing or use questionnaires that help provide additional information about your emotional functioning or parenting style. These additional techniques are commonly used by psychologists, especially in more complicated evaluations, as they are designed to provide further information that will help in her recommendations. Your evaluator might also include a home visit at each parent's home in order to observe the family in a more natural setting. Home visits are particularly useful with children under the age of six.

What Can You Expect from the Evaluator's Recommendations?

As you've seen from the discussions above, one of the main differences between evaluation and mediation is that the evaluator will be making specific recommendations about your family. The recommendations may fall into several categories, including:

- Custody and visitation recommendations.
- A parenting plan that outlines the time-share between the parents and how parents might deal with future conflict-resolution.
- Therapy recommendations for either of the parents and/or the children.
- Special recommendations focusing on issues if they exist of domestic violence, substance abuse problems, and the alienation of children. There might be a recommendation for an updated evaluation after treatment or a set amount of time.
- Parenting classes to help parents improve their understanding of their child's needs.
- A re-evaluation as your child(ren)'s developmental needs change.

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