

Preparing For a Child Custody Evaluation
By
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An integral aspect of divorce involves the determination of where the children will live and what proportion of their time will be spent with each parent. Even in the best of circumstances this decision can be emotion laden and stimulate strong feelings in each parent and in their children. In the ideal situation, divorcing parents make these critical decisions themselves, sometimes with the assistance of their attorneys or a mediator. In situations where parents are unable to agree on child custody or where there are allegations of physical abuse, child sexual abuse, neglect, parental unfitness, or substance abuse, this decision may be turned over to the court for final determination. When serious concerns have been raised about a parent's capacity to properly take care of the children, the entire family may be referred for a child custody evaluation. These referrals are typically made so the court can receive detailed information about the parents and children to help determine the most suitable custody and parenting arrangement.

A properly-trained child custody evaluator will insist on being appointed by the court as its *independent* expert and will not agree to act as an advocate for either parent. In this way the evaluator is free to conduct a comprehensive interview that provides the court with an accurate, balanced picture of each family member. Most parents are understandably concerned about undergoing a child custody evaluation. They may agonize about the stress such a procedure will have on the children. They may be concerned about how to present themselves in the most favorable light. They may worry that their spouse will try to unfairly portray them in a negative manner. Perhaps the most unsettling aspect of these evaluations is that, without having been through one, parents do not know what to expect or how to prepare themselves or their children.

In an effort to help parents cope with the uncertainty of child custody evaluations, we offer the following information.

A properly conducted child custody evaluation should begin with the court appointing a psychologist to assess all members of the family. Depending on the family's situation, this may also include evaluating a stepparent, fiancé, or live-in partner. Child custody evaluations consist of a series of interviews with both parents, alone and/or together, as well as with children who possess the requisite verbal skills for this procedure. Each parent's respective interview should cover the same general topics. During the interview, parents should be afforded the opportunity to discuss their concerns regarding the children and the other parent and to provide information that relates to the issues of child custody and parenting time. Finally, if one parent makes a substantive allegation against the other parent, the accused parent should be afforded the opportunity to respond.

Parents approach child custody evaluations with a variety of attitudes and purposes. Some parents perceive the evaluation as an opportunity to detail each and every

shortcoming of the other parent. These parents may supply an endless list of complaints and convey the attitude that every fault demonstrates that their spouse is an unfit parent. Other parents seek to present themselves in an unrealistically favorable light by exaggerating their virtues and their dedication to the children, and minimizing their shortcomings. A third group seems better able to candidly and accurately assess their own and their spouse's strengths and weaknesses and convey these in a balanced, realistic way.

Evaluations typically involve an observation session of each parent with the children in the examiner's office or at the family's home. The purpose of observations is to obtain information concerning each parent's ability and capacity to interact with the children. It is also typical for evaluators to gather information about parents and children from collateral sources such as employers, teachers, therapists, or day-care providers. If the family has been involved with Children's Protective Service or the police, information regarding these contacts would be reviewed in order to better understand the family's situation.

Psychological testing is another source of information that may be gathered during a child custody evaluation. The tests that evaluators use may vary, but typically include measures that provide information regarding each parent's psychological status, the child's emotional functioning and the quality of parent-child relationships. Depending on the circumstance of a case, a child may also undergo formal testing to assess her emotional well-being or academic potential. Except in unusual circumstances, both parents should be administered the same tests.

What is the best way to prepare for a child custody evaluation? The first step is to accept the court's directive and cooperate with the evaluator. This means making one's self available for appointments, arriving on time and cooperating with the examiner. Remember, the examiner has been appointed to determine what child custody and parenting time arrangement is in the child's best interest and each parent's cooperation will help accomplish that objective. Some parents may resist complying with the court's order because they anticipate an unfavorable recommendation or simply because they do not like being told what to do. Being uncooperative or hostile creates a negative impression and reflects poorly on a parent's judgment and decision-making ability.

Some parents are uncertain about which problems should be reported to the examiner. A general guideline is to distinguish between marital problems and parenting issues, and focus on the latter. In other words, even though your spouse may have been unfaithful or treated you poorly, this does not automatically negate their ability to be a loving, caring and compassionate parent. At this emotionally stressful time it is easy to focus on the pain caused by one's spouse, even though these concerns may not be directly relevant to the custody or parenting time determination. Even though venting one's feelings about marital problems may provide short-term relief, it may not be a productive use of time and it may not provide the evaluator with the kind of information that is needed to determine what is in the children's best interest. Consequently, before presenting a specific complaint about a spouse, determine whether it reflects a genuine

parental shortcoming or is indicative of another type of problem. If the complaint is primarily about a marital problem or a non-parenting issue, it may be wise to address it elsewhere. However, if the concern is about behavior that directly implicates a parent's competence or that jeopardizes a child's safety, it is legitimate to bring this to the examiner's attention.

It is a good practice to prepare for interview by making notes about important concerns and organizing the information that is going to be shared with the evaluator. Providing independent documentation that verifies key assertions strengthens their credibility and provides the examiner with a means of determining the proper weight to give each claim.

What can be done to prepare a child for meeting with the evaluator? If a child is scheduled for an interview, it can be explained that he is going to meet with a psychologist who is interested in finding out about him. This brief explanation is often sufficient for young children. With older children, it could be further explained that the psychologist is helping the judge figure out when the child will spend time with each parent. If a parent is uncertain what to tell their child, inform the evaluator and ask for a suggestion. Finally, it is advisable to avoid encouraging or directing a child to communicate a particular portrayal of either parent. These efforts are often transparent and reflect poorly on the parent who has improperly influenced the child.

After a child custody evaluation has been completed, a written report detailing its findings and recommendations is submitted to the attorneys and to the court. The report contains considerable personal information about the parents and children and should be held in confidence by those with access to it. In ideal situations, the examiner's recommendations provide the basis for a settlement. If the case proceeds to trial, however, either parent can call the evaluator as a witness to explain his conclusions and recommendations.

For more information or to make an appointment, please call Swerdlow-Freed Psychology at (248) 539-7777. Our offices are conveniently located at 30600 Northwestern Highway, Suite 210, Farmington Hills, Michigan 48334, and 55 North Pond Drive, Suite 6, Walled Lake, Michigan 48390.