

PRACTICAL ADVICE

FROM THE FAMILY LAW PRACTICE



Fox Rothschild LLP
ATTORNEYS AT LAW

How To Prepare For A Custody Evaluation

There is nothing worse than being in a legal battle regarding who gets to see and care for your children. Usually the battle is with the other parent, but sometimes it is with a grandparent or other family member, or a local child welfare agency. No matter who is involved, a custody case can make you feel scared, angry and, sometimes, completely out of control.

The First Step – Ensure That Your Custody Lawyer Is Fully Informed

Your custody lawyer can help you only if he or she knows all there is to know about you, your children and the other people involved in the case.

First, your attorney needs to know the contact information for all of the key people who interact with your children, including their medical providers, educators (past and present), principals, school counselors, caregivers, people living with or frequently visiting them,

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concerned neighbors, friends and their parents, and supportive family members.

Second, the attorney needs to have a firm handle on the children’s schedules, including when they are with you, the other parent or a caregiver; when they attend school, camp or child care; and when the children go to the doctor or dentist.

Finally, your lawyer needs to have all pertinent documentation, including medical and school records over the past three years; a calendar of visits and calls you have had with them; and e-mails, phone logs, and letters to and from other adults regarding the custody and general well-being of the children. At this time, you must provide all documents and information regarding this case and any other custody, divorce or abuse action involving you and/or the other members involved.

The Second Step – How to Put Your Best Foot Forward During the Custody Evaluation

Custody evaluations are very important in determining child custody issues during contested divorce proceedings. Divorce courts give considerable weight to an evaluator’s recommendations. It is important to know what to expect and to prepare accordingly.

Key Guidelines to Keep in Mind During the Evaluation

- Arrive on time for the custody evaluation interview
- Dress neatly and conservatively
- Be honest. The custody evaluator will likely check your statements

with collaterals and/or other sources. If the evaluator chooses to use psychological testing, answer honestly. The tests are designed to detect untruths and defensiveness.

- Be sincere. The custody evaluator can usually detect embellishment and insincerity.
- Pay careful attention to what the evaluator is asking and answer questions directly and to the point. If you do not understand what is being asked, feel free to ask the evaluator to clarify. If you are asked to provide additional documentation, do so as promptly as possible or communicate your concerns about being able to obtain the requested information.
- Keep in mind the types of behavior the evaluator is looking for when conducting the evaluation, including empathy, setting appropriate guidelines, supporting the relationship between your children and their other parent, interacting appropriately with your former spouse, and sheltering your children from conflict.

What to Avoid During the Evaluation – The “DO NOTs”

- DO NOT speak badly of your spouse/partner or his or her family in general unless the custody evaluator specifically asks you to comment on what you perceive to be the problems. Also, do not prep

your children to say negative things about the other parent. The custody evaluator will be able to tell.

- DO NOT make threatening comments about your spouse/partner or anyone else to the evaluator
- DO NOT harass the evaluator with phone calls or drop by his or her office without an appointment
- DO NOT allow a new spouse or significant other to get involved in the custody dispute

Custody cases are long and emotional processes, and it's perfectly all right to be nervous (most people are) and to show emotion (many people do). Relax and let the best aspects of your personality come out. Present yourself as being reasonable and placing the concerns of your children above all else. Custody evaluators recognize the stress that people are under during this process and take this into account when assessing family members. With effective communication between you and your lawyer, and with a primary focus on what is best for your children, you can, with confidence, proceed to resolve the matter at hand.

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