



Child Custody Evaluation Information Sheet

This information sheet has been written to give you the information you need about a child custody evaluation through this office. Please understand from the start that our primary concern (and the concern of the court) is what is best for the child(ren). **Please read this information carefully and completely** in order to avoid any potential confusion, complication, and/or frustration.

Process of the Evaluation

Before considering participation in a child custody evaluation, you must initially talk with your attorney. **We will not agree to complete a custody evaluation unless you are represented by an attorney and that attorney (or the judge) has contacted our office.** In all cases custody evaluations are ordered by the court so we will insist that a court order specifically naming one of our evaluators is in place (and in the file) before appointments are scheduled. Additionally, our staff (or your evaluator) may speak with your attorney before beginning.

The assessment will begin when you, the judge, or your attorney calls our office to make the appointment. When the appointment is made, our office staff will arrange for an interview time (usually one hour per person to be evaluated). We will ask for your telephone number, address, and other pertinent information. If, for some reason, your appointment needs to be rescheduled to another date, please be aware that we require **48-hour** cancellation notice. If the cancellation is not received 48 hours before the appointment time, all but \$250.00 will be refunded.

Be prepared to spend several hours (beyond the set appointment time) on the day of the evaluation in our office. The total process usually requires at least four or five hours of testing and interviews (sometimes more). You will have hundreds of questions to answer, both verbally and in paper/pencil form. Many of these questions may not seem to relate to the question at hand. You will be asked about your background, your personality, preferences, attitudes about children, etc. **It is very important that you be honest when talking with us and in answering questions.** It is also very important that you try hard to answer all of the questions.

It is usually very helpful for us to review additional information. Please feel free to have your attorney provide us with any information that you feel will be helpful. Our office will require assurance that all information sent has been provided to opposing counsel prior to review. Be aware that we will need to keep that information for our records – do not give us anything that you may want returned. Further, we may ask you to provide releases for us to talk to others about you or the case, including attorneys, previous health care providers, counselors, therapists, teachers, etc. If you want to give any additional information after your appointment, but before the report is issued, please do so through your attorney.

After all of the interviews and tests are completed, and the fees are paid, a report will be produced, provided to the judge, and sent by the court to your attorney and the opposing attorney. This report may take several weeks to complete to ensure all relevant information is obtained. **VERY IMPORTANT:** Please understand that **the information you provide to us is not confidential** and anything you say may end up in the report.

Fees

Negotiation of fees must be accomplished with our office staff. Please discuss any questions you have about these matters with my office staff. **Do not talk to your evaluator about fees.**

Payment of all fees must be completed before any services are rendered. The fees can be paid via personal check, a check from your attorney's office, a certified check, a money order, cash, or an approved credit card (service fees may apply).

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Please note that neither your evaluator nor our office staff will debate who is responsible for the payment of these fees. This should be worked out with your attorney and/or judge before scheduling the evaluations. **We expect payment one week prior to the appointment.** Failure to comply with this may result in your appointment being cancelled.

Our fee for the completion of a child custody evaluation is **\$1,500.00 per parent or adult seeking custody/\$400.00 per other adult living in the (potential) home with the child(ren)/\$1000.00 per child** to be evaluated. **Please note – these fees do not include any courtroom time that may be necessary.** Depositions are billed at the rate of **\$1000.00 per first hour and \$500.00 per each additional hour**, and court testimony is billed at the rate of **\$1500.00 per first hour and \$750.00 per each additional hour**. Rates for driving to and from the court/deposition are **\$150.00 per hour**. These fees must be paid in advance of the court appearance.

Therefore, depositions and testimony will usually involve fees of at least \$2,000-\$4,000. Sometimes the judge will decide who pays what portion of these fees, but it is often determined by which “side” is requesting testimony. Please consult with your attorney regarding this matter. The fees will be estimated before the appearance by our staff, based on distance required for travel and the nature of the hearing. Those fees must be paid at least 72 hours before the testimony is required. If the hearing is cancelled with more than 48 hours’ notice, all payments for testimony will be refunded, **otherwise all but \$500.00 will be refunded.**

What to Tell Your Child About the Evaluation

Parents often worry about the effects that an evaluation of this kind will have on their children. The children are sometimes concerned about seeing an unfamiliar doctor and having to talk about concerns that may be sensitive. They are always worried about hurting their parents. Following these guidelines may help make the assessment go a bit more smoothly.

It is important to keep several things in mind when talking to your child about this assessment:

1. First, do not lie to your child about what is taking place.
2. Try to explain, in age-appropriate terms, that he/she will be talking with someone about the family, and that this person’s only concern is to figure out what is best for this child.
3. Provide reassurance that **they will not be asked to say bad things about either parent or to choose who they like best, where they want to live, etc.** Tell the child(ren) that there will be no shots or other painful procedures, and that the meeting will mostly involve just talking.
4. Let the child know that you will be nearby throughout the assessment.
5. Take care to try not to influence what your child will say in any way. We are interested in hearing the child’s attitudes, preferences, and experiences. We will ask him/her if either parent has talked about what to say to me.
6. The most destructive thing that parents do in child custody disputes is to talk badly about the other parent. Please be careful, at all times, to ensure that your child does not hear you saying negative things about the other parent, no matter how angry you are. This will always confuse and upset the child and it is never productive.

Laws Regulating Child Custody in Louisiana

The law governing decisions about child custody/visitation in Louisiana is contained in several legal statutes that can be reviewed with your attorney, if he/she chooses. The judge hearing your case will be using the provisions of these laws to decide the most appropriate custody/visitation arrangement.

In general, the law begins with the assumption that **joint custody** is the best option. This does not necessarily mean that both parents will have the child 50% of the time (though this is often the goal). Most custody disputes actually address who will have **domiciliary custody** and when that custody will be exercised. Of course, issues of child support, exchange times, holidays, etc., often need to be decided as well.

In Louisiana, it is difficult for one parent to be awarded **sole custody** of the child(ren). If you are seeking sole custody, it is up to you (and your attorney) to prove that this is in the **best interest** of the child(ren). Several factors are supposed to be considered (by law) in making most decisions about custody/visitation (listed below). Please understand that these factors are not equally important. For example, factor #9 (“reasonable preference of the child”) is usually not strongly considered, while factor #10 (the “friendly parent” factor) is usually weighted quite heavily.

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1. The love, affection, and other emotional ties between each party and the child.
2. The capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child.
3. The capacity and disposition of each party to provide the child with food, clothing, medical care, and other material needs.
4. The length of time the child has lived in a stable, adequate environment, and the desirability of maintaining continuity of that environment.
5. The permanence, as a family unit, of the existing or proposed custodial home or homes.
6. The moral fitness of each party, insofar as it affects the welfare of the child.
7. The mental and physical health of each party.
8. The home, school, and community history of the child.
9. The reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference.
10. The willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party.
11. The distance between the respective residences of the parties.
12. The responsibility for the care and rearing of the child previously exercised by each party.

Please note that the award of access rights of grandparents and other caregivers may be governed by other statutes and criteria. These matters are virtually always decided, however, with an eye toward the “best interest of the child”. The typical criteria considered include:

1. The length and quality of the prior relationship between the child and the relative.
2. Whether the child is in need of guidance, enlightenment, or tutelage which can best be provided by the relative.
3. The preference of the child, if he/she is determined to be of sufficient maturity to express a preference.
4. The willingness of the relative to encourage a close relationship between the child and his/her parent or parents.
5. The mental and physical health of the child and the relative.

The **relocation** of a parent poses particularly difficult challenges in deciding what is best for a child(ren). In those cases, you should certainly discuss the implications of a move with your attorney before any decisions are made. The factors usually considered by the court include:

1. The nature, quality, extent of involvement, and duration of the child’s relationship with the parent proposing to relocate and with the nonrelocating parent, siblings, and other significant persons in the child’s life.
2. The age, developmental stage, needs of the child, and the likely impact the relocation will have on the child’s physical, educational, and emotional development, taking into consideration any special needs of the child.
3. The feasibility of preserving a good relationship between the nonrelocating parent and the child through suitable visitation arrangements, considering the logistics and financial circumstances of the parties.
4. The child’s preference, taking into consideration the age and maturity of the child.
5. Whether there is an established pattern of conduct of the parent seeking the relocation, either to promote or thwart the relationship of the child and the nonrelocating party.
6. Whether the relocation of the child will enhance the general quality of life for both the custodial parent seeking the relocation and the child, including but not limited to, financial or emotional benefit or educational opportunity.
7. The reasons of each parent for seeking or opposing the relocation.
8. The current employment and economic circumstances of each parent and whether or not the proposed relocation is necessary to improve the circumstances of the parent seeking relocation of the child.
9. The extent to which the objecting parent has fulfilled his or her financial obligations to the parent seeking relocation, including child support, spousal support, and community property obligations.
10. The feasibility of a relocation by the objecting parent.
11. Any history of substance abuse or violence by either parent, including a consideration of the severity of such conduct and the failure or success of any attempts at rehabilitation.
12. Any other factors affecting the best interest of the child.

Please discuss these matters with your attorney before proceeding. Other laws may apply in your case.

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Other Considerations

Once interviews and testing are completed and all of the data is collected, your evaluator will complete a written report. **Please do not attempt to contact your evaluator to determine results prior to the issuing of the written report.** It is better for you to speak with your attorney once he/she receives the report. If you feel that you have not communicated everything to the evaluator, talk to your attorney about putting it in writing and forwarding it to the office as soon as possible. If you need further clarification after talking with your attorney, please have your attorney call and a decision will be made about how best to proceed. We are willing to review any materials that your attorney believes are relevant and helpful, and we ask that those materials are forwarded to our office before your appointment, unless the court has ordered otherwise. **Sending materials after the interviews may delay the completion of the report to the court and may result in additional charges.**

There are occasions when a parent will ask the evaluator to see their child (or some other family member) in therapy after a custody evaluation is completed. **That is not considered to be an ethical practice, so we will not agree to such an arrangement.** We will usually suggest a referral to a professional colleague. The role of an advocate for your child and an advisor to the court in legal matters is often contradictory to the role of a therapist. On occasion, parents ask for a professional opinion about custody when the professional has only had access to one party. **We do not consider this to be an ethical practice, so we will not agree to such an arrangement.**

We hope that this information helps you to make an informed and appropriate decision about this matter. Please acknowledge, by your signature, that you have read the above and you have agreed to its provisions. This document will be maintained in your file – you may keep a copy for your records.

My signature below indicates that I have reviewed and understood this “Child Custody Evaluation Information Sheet”.

Witness

Parent

Date: _____