

Family Services (Part 2): Custody and Specific Issue Evaluations

Hello. I'm here to explain custody evaluations. We'll also talk about what are called specific issue evaluations. The court may order these if it needs more information about your family.

There is a lot to cover, so let's get started. First of all, you may be wondering, "What is a custody evaluation?"

CHAPTER HEADING: WHAT IS A CUSTODY EVALUATION?

This is a process in which a trained professional evaluates your family. It helps the court decide what parenting-time or decision-making authority arrangement is in the best interest of your child. The evaluation focuses on three things:

- your child's needs;
- you and the other party or parties' ability to meet those needs; and
- your ability to co-parent with the other party or parties.

The court **may** order a custody evaluation if your case is contested. This means you and the other party or parties cannot agree on parenting time or decision-making authority. Let's take a minute to talk about these two terms. Parenting time, also referred to as physical custody, is when your children will spend time with each of you. Decision-making authority or legal custody refers to how major decisions are made about your child.

But keep in mind, not all contested cases need a custody evaluation. They are most helpful when there are serious concerns about the following:

- how the parties communicate;
- the parties ability to parent; or
- or concerns about a child's safety, health, or welfare.

If the court decides that an evaluation is necessary, it will appoint a custody evaluator. Some courts have evaluators on staff, while others have a list of independent evaluators they use. You and the other party or parties can also agree to hire your own evaluator. If you do, the court must approve the person you select.

Whether court-appointed or court-approved, the custody evaluator needs to meet certain requirements. For example, only licensed psychiatrists, psychologists, therapists, social workers, and counselors can perform custody evaluations. The evaluator must also meet training and eligibility requirements.

Now that we have discussed what a custody evaluation is, let's talk about what to expect.

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CHAPTER HEADING: WHAT TO EXPECT

There are multiple components to a custody evaluation. First, the custody evaluator will review court and other legal records related to your case. They will ask you for permission to review educational, medical, and other records about your child. They'll interview you and the other party or parties and will want to observe you and the other party with your child. This can happen at your house or in some other setting. Depending on their age, maturity, and other factors, your child may be interviewed.

The evaluator will also try to interview people who know you and your family. This can include teachers, doctors, family members, friends, coaches, neighbors and others. In addition, they may verify your employment status or consult with other experts. Depending on the circumstances, the custody evaluation can include a mental health evaluation, a home study, or a drug or alcohol screening, which are discussed in Part 3 of this series.

Let's shift to specific issue evaluations.

CHAPTER HEADING: SPECIFIC ISSUE EVALUATIONS

These are investigations into a narrow issue or a way to answer a specific question. For example, let's say your child has a medical condition and you and the other party or parties disagree about treatment. The court can appoint a neutral evaluator to examine your child's unique needs, their condition, and each of your abilities to meet those needs. The investigation will focus on treatment options that are in the best interest of your child.

Specific issue evaluations are not as extensive as custody evaluations but may involve similar components like reviewing records, interviews, and observations.

Next let's talk about the evaluators' report.

CHAPTER HEADING: THE EVALUATOR'S REPORT

After collecting and reviewing all the facts, the custody or specific issue evaluator will make an oral or written report with their findings. They might include a recommendation about parenting time or decision-making authority. You and the other party or parties will have a chance to review the report. Hopefully, it will help you begin a conversation about next steps. For example, if it's safe, you might want to go to mediation and try to reach agreement about your children's care and support. Mediation is discussed in Part 6 of this series.

If you are not able to reach an agreement, your case will go to trial. Before trial, you will likely attend a settlement conference with a judge, magistrate, or an attorney. They'll be able to

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review the report. The conference is another opportunity for you to reach an agreement on parenting time or decision-making authority. If you're unsuccessful, your case will go to trial.

I recommend talking to a lawyer. Trials are complicated. If you go this route, a judge, who does not know you or your children, will make decisions for you. A few things you should know. At trial, the judge will only see the evaluator's report if all parties agree or if one of you introduces it as evidence. If the report is presented, you can challenge it. The evaluator can also testify.

The trial judge will consider the custody evaluation but they are not bound by it. They will make an independent decision based on all the evidence and testimony. Their focus will be on what is best for your child or children. Custody trials should be a last resort. If it is safe for you to work with the other party or parties, seriously consider mediation. If you are going to trial, definitely talk to a lawyer.

The last topic we will cover - who pays for the evaluation.

CHAPTER HEADING: WHO PAYS FOR THE EVALUATION?

Generally, you and the other party or parties split the fee. Depending on your income, you may be eligible for a fee waiver. In some courts, there are evaluators on staff and there's no fee. The Family Support Services Coordinator can explain how your court handles evaluation-fees.

Are you still with me?

CHAPTER HEADING: ARE YOU STILL WITH ME?

I know this is a lot of information. If you're thinking that these evaluations sound intrusive and deal with private and sensitive information, you're right. This can be a stressful process for you and your child. But it is important to remember, evaluations are designed to help the court understand your situation and make the best decisions for your family. Please also know that the information being gathered during this process will not be shared publicly.

Let's take a minute to review.

CHAPTER HEADING: REVIEW

The court may order a custody evaluation if it needs more information about your child and family. You and the other party or parties can also request a custody evaluation. As part of their work, the evaluator will review records, conduct interviews, and observe you with your child. They'll prepare a report that can be used if your case goes to trial. The trial judge will consider but is not bound by the evaluator's report. The court can also order a specific issue evaluation. This is less extensive than a custody evaluation and focuses on a narrow issue or question.

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Generally, the evaluators' fees will be split between you and the other party. Based on your income, you may be eligible for a fee waiver.

Custody and specific issue evaluations can feel intrusive but are designed to help the court determine what is in the best interest of your child.

Thanks for watching. I hope this information is helpful.