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GUIDELINES FOR CHILD CUSTODY/ACCESS EVALUATIONS

This instructional manual has been developed to help you understand the custody/access evaluation process in general. Most questions you have will be answered by reading this information and it will help the process move along more smoothly for all. The policies and guidelines listed below are general guidelines and may be somewhat different for different evaluators. However, be aware that most evaluators have policies about each of the issues described below and will answer any questions you have about his/her specific expectations.

In a child custody evaluation (sometimes known as a home study or social study), the evaluator is an impartial individual appointed by the Court. Evaluators conducting custody evaluations are licensed mental health professionals, usually psychologists, clinical social workers, licensed marriage and family therapists, or licensed professional counselors.

In order to perform optimally in this function your evaluator will require that all information from all sources that are relevant to this case be provided. It is important for participants in the evaluation process to have the opportunity to ask questions about how it will be conducted. There usually will be a brief period of time before the evaluation begins, for your questions to be answered. Also, during the process, if you have any questions, please ask them. If the evaluator cannot respond, s/he will try to refer you to someone who can, most likely either your lawyer or the therapist with whom you work.

POLICIES AND PROCEDURES

1. All forms and agreements provided by your evaluator must be signed to acknowledge that they have been read and understood. These usually involve informed consent, acknowledgment of lack of confidentiality, outlining of fees and how these are to be paid among others. Your evaluator usually will discuss these with you and respond to any questions that you have before you sign.
2. The evaluator must have a signed Court Order specifically appointing him/her as custody evaluator and outlining exactly what is expected of him/her.

3. Retainer fees will be expected to be paid in advance.
4. Insurance will not cover the cost of custody evaluations. All costs associated with custody evaluations are the responsibility of the individual(s) involved.
5. The refusal or inability of either party to participate or cooperate in the evaluation process may mean that no recommendation regarding custody of the child(ren) can be made and the evaluator will inform the Court of non-compliance.
6. Any contact between either attorney and the evaluator will be reported to opposing counsel. All contacts with counsel initiated by the evaluator will involve both attorneys.

THE EVALUATION PROCESS

1. The evaluation will begin with individual meetings for each parent or adult who is requesting custody or access to the minor child(ren).
2. Depending on the age(s) of the child(ren) individual meetings with the child(ren) will be scheduled.
3. Joint meetings with each parent or adult who is requesting custody or access to the minor child(ren) will be scheduled with the minor child(ren). It is expected that the parent to be observed will bring the child(ren) to the appointment. Rarely are exceptions made. It is important that you let the evaluator know well in advance if you anticipate a problem.
4. Additional joint or individual meetings may be requested by the evaluator.
5. Rarely, face to face meetings may be scheduled with other adults who provide supervisory care of the child(ren). These may include parents, stepparents, grandparents, guardians and housekeepers. More often, however, consulting with these collateral parties will be done by phone and will be initiated by the evaluator.
6. The evaluator may wish to interview other adults who have significant contact with the child(ren) including teachers, daycare workers, visitation supervisors, etc. S/he will let you know as the interviews progress.
7. If you would like the the evaluator to speak with other individuals, this will be discussed during your interview. However, **you will be responsible for advising these individuals that the evaluator will be calling them and for explaining to these individuals the purpose of this call. These individuals will be advised that the information they provide is not confidential.**

8. Each parent will be required to sign authorization forms to allow the evaluator to obtain and review other documents and records that may assist in recommending a parenting plan to the Court. Relevant documentation that is often needed includes school records, previous psychological or educational reports, prior hospital or therapy records on any family member and court orders specifying current or previous custody arrangements. **All documentation presented to the evaluator must be provided by your attorney with copies sent to opposing counsel.** The evaluator is not responsible for monitoring compliance.

CONFIDENTIALITY

1. Unlike other psychological services such as psychotherapy, there is no confidentiality in the custody evaluation. The evaluator must be free to consider all factors that could impact upon the best interests of the children.
2. Whenever necessary, the evaluator will exercise discretion when having to disclose or obtain information which was previously considered confidential or privileged. **Participants in the evaluation are advised that the case file records is accessible by attorneys for either party, even without your written authorization.**
3. Any information obtained during the evaluation will most likely be disclosed to any other participant for corroboration.

REPORT AND RECOMMENDATIONS

1. Upon completing the custody study the evaluator will submit a written report of the findings and recommendations to the Court and the attorneys. The results of the evaluation will not be discussed in advance with any attorney or litigant.
2. If records are requested by the Court or attorneys, they will be released. For this reason **no originals** should be left with the evaluator.
3. Once a final report is submitted, no additional appointments will be scheduled before settlement is reached, with two exceptions. First, if a significant change of circumstance occurs or if reports not previously received become available, The evaluator will consider conducting a brief supplemental interview or record review. An updated report will be provided to the court if the new information alters any of the recommendations previously submitted. However, costs associated with reviewing these materials and conducting supplemental interviews will be assessed. Second, if the attorneys, jointly, or if the Court requests additional meetings for any reason, these will be conducted.

FEES

1. The Court determines how the fees are to be divided between the parties. Your evaluator will require a retainer to be paid in advance or at the time of the first appointment. The evaluator will not be under obligation to proceed with the evaluation unless all required monies have been paid.
2. The exact time needed to complete a comprehensive assessment cannot be predicted in advance. The availability, promptness and flexibility of the parties in arranging and keeping appointments will impact the timeliness of completion. Except for complex cases, a reasonable estimate of time devoted to interviewing, document review, conference calls and report preparation is approximately 40 manhours.
3. Fees are billed at the regular hourly rate of for assessment, court preparation, deposition and expert testimony. In the event of subpoena or testimony the party ordering the evaluator's appearance at a deposition or hearing shall assume all costs associated with the evaluator's time in Court.
4. Testimony and deposition fees must be paid in advance.
5. In the event that one party is ordered to advance full payment for services, the Court will ultimately determine how evaluation fees are to be divided.