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Preparing Clients for a Child Custody Evaluation

The purpose of a Child Custody Evaluation (CCE):

To determine the best fit between the child's needs and the parenting capacities, in order to serve the best psychological interests of the child.

The focus when working with your client:

To assist client in presenting his or her
BEST SELF in the midst of all the conflict,
emotions, and turmoil.

Getting Started!

You have a signed order, now what?

- Make sure client understands what is required of him or her based on the court order.

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- Initiate contact between client and evaluator.
- Explain child custody evaluation process to the client.

Explain process to client:

Multiple meetings:

- One-on-one with client and evaluator.
- Possible joint meeting with co-parent and evaluator.
- Child interviews both with and without parent.
- Observation of children with parent.
- Meetings with all individuals in the home including step siblings.
- Home visit.

Evaluation process continued...

Evaluator will also:

- Contact third party collaterals (i.e. teachers, family members, therapists, friends, etc.). Make sure client willingly signs all releases.
- Collect various records (i.e. police reports, report cards, emails, text messages, etc.)
- May perform a psychological evaluation.

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- Encourage your client to disclose information (especially when asked).
- Help client understand what is and what is not important to his or her evaluation and help the client present the facts in an organized and effective manner.

What should you do to prepare your client for the CCE?

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- Meet with your client one-on-one.
 - Prepare a detailed timeline with the client.
 - Review your client's responses to his or her parent questionnaire forms.
 - Discuss client's strengths and weaknesses.

Timeline:

- Helps keep you and the client focused.

Parent Questionnaires:

- Very important to carefully review ALL completed and/or signed client forms before client gives to evaluator.
- Attorneys are NOT doing this with clients!

Why focus on weaknesses?

- May help client accept realistic expectations.
- If client can admit to weaknesses it may show some self-awareness and the ability to be open and honest about his or her shortcomings. Humility is a good thing when it comes to evaluations!
- Ask your client what the other parent will say about him or her.
- Once the client can somewhat predict what the other parent will say it, client can eventually be prepared to address his response with the evaluator.

Are client's expectations realistic?

"I want FULL custody! And she will pay MY child support! I want my spouse to be supervised any time she is with the children! And I want to move to Canada to be with my Fiancé who will be homeschooling my children!"

Are client's expectations realistic?

- What does client know about child custody?
 - Possession and access
 - Conservatorship
 - Joint Managing Conservatorship vs. Sole Managing Conservatorship.
 - Primary vs. Sole
- Your client very likely does not know what he or she is asking for!

Are client's expectations realistic?

- Explain a realistic schedule to the client based on what you know about your client's case.

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- Explain a realistic schedule to the client based on all the information you have.
- Show the client color coded calendars so that he or she has a visual.

Expanded SPO schedule

January		Enter Year in this cell		Tuesday	Wednesday	Thursday	Friday	Saturday
Day	Day	1	2	3	4	5		
6	7	8	9	10	11	12		
13	14	15	16	17	18	19		
20	21	22	23	24	25	26		
27	28	29	30	31	Day	Day		

2-2-5-5 schedule:

Month Year Calendar

Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
	Day		Day	1		2		3		4			5
	6		7	8		9		10		11			12
	13		14	15		16		17		18			19
	20		21	22		23		24		25			26
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- Make sure client can:
 - Describe each child's unique personality.
 - Describe his or her relationship with each child and what makes each relationship special.

What should client tell children about the CCE:

- As little as possible!
- Many children will ask questions about the evaluator: *“Where are we going? Why do we have to meet with this person?”*
- Before the children come in to meet with evaluator, if they ask what to say to the evaluator, client should only tell them to tell the truth and that is ALL!
 - Clients should not remind the child of an incident that happened...
 - Do not tell any child evaluator is going to tell the judge who they should live with!

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- Should attorneys send documents on behalf of clients?
- Provide documentation that can substantiate the allegations or defend the accusations
- Text messages and email exchanges.

Bad Behavior



Your father left us! He doesn't care about us anymore!

Bad Behavior

- There could be a reasonable explanation.

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- Are emotions to blame?
- Was the bad behavior a one time occurrence?

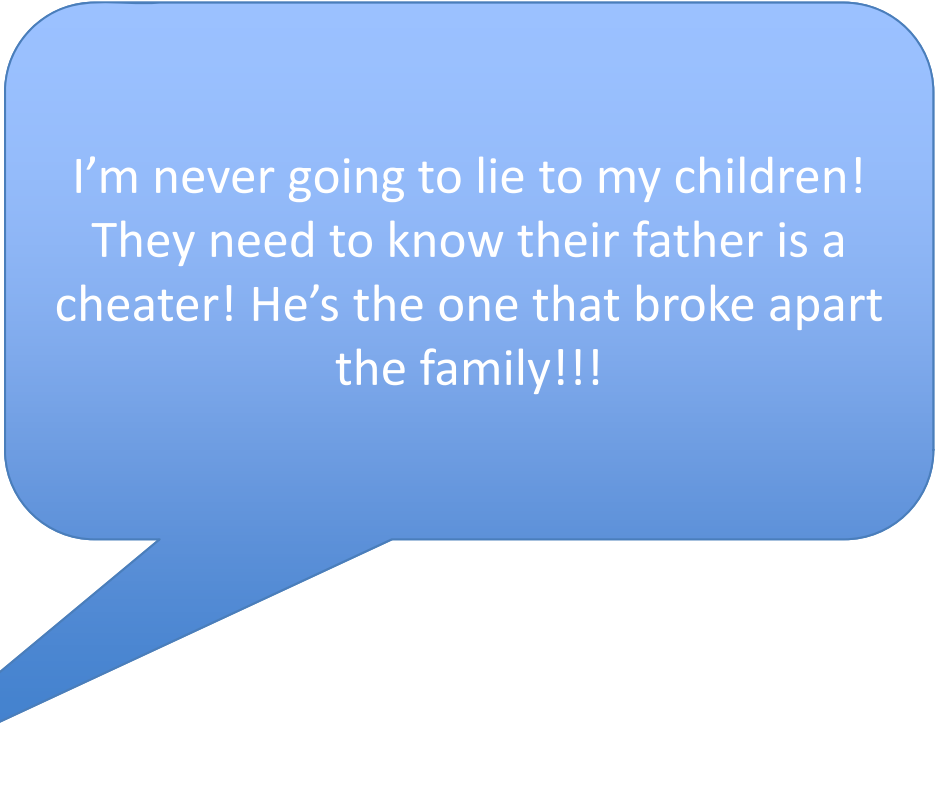
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- There could be a reasonable explanation.
- Are emotions to blame?
- Was it a one time occurrence?
- Was the client ignorant about the ramifications and once informed, changed his or her behavior?
- OR does client have no regrets and finds nothing wrong with his or her actions.

That client...



I'm never going to lie to my children!
They need to know their father is a
cheater! He's the one that broke apart
the family!!!

Tips for the Client (in no particular order)

- Client needs to be flexible and accommodating when scheduling appointments with evaluator.
- Make sure client does not cross boundaries with evaluator. Examples would be relentlessly contacting evaluator.
 - Express to client to call you first to work out a plan if something needs to be communicated with evaluator.
- Be careful not to dismiss your client! When consulting with your client, empathize with him or her and express your understanding about his or her feelings toward the spouse. BUT impress upon the client that no matter what, the evaluator ONLY cares about what is in the best interest of the children.

Tips continued...

- Under no circumstances should the client diagnose the other parent!! Instead, describe the other parent's behaviors. Evaluators CRINGE when this happens!

Example: "My wife is Bipolar!"

- If client says to attorney "My wife is bipolar." Ask more about that! Could you describe what you are seeing that leads you to believe your spouse is bipolar?

Tips continued...

- Client should refrain from making too many allegations he or she can't back up! These are usually the petty allegations.
- Avoid blaming the other parent.
 - “When my son comes back to my house he is always tired because he didn't get any sleep with his father.”
Not only is this statement showing blame, this is an example of an allegation that looks petty and is very hard to substantiate!
 - If it sounds petty to you, it will sound petty to evaluator!
- Clients should *always* avoid the use of absolutes such as *always* and *never*!
 - That *never* happens at “my” house.
 - The kids are *always* tardy when they are with their father.

Tips continued...

- Client should stay child focused on the children and showcase his or her parenting abilities as much as possible during assessment!
- Discussion should always come back to his or her strengths as a parent.

Tips continued...

- Client's often lack insight on what is good for their case and what is not.
- Do not allow your client to just assume his or her (current) spouse is welcome to attend the personal interview.
 - Spouse of client should only be in attendance at client's interviews if when requested by evaluator.
 - It is more than likely the stepparent will have his or her own meeting with the evaluator.
- Spouse of client should not complete parent questionnaires for client!

Tips continued...

- The parent who is the more cooperative co-parent and who has been able to show to support the children's relationship with the other co-parent, will come out smelling like roses.
 - Help your client be a better co-parent!
 - Read the OFW messages and text messages and point out when client could have responded in a better way.
 - Discuss better ways to respond so client learns.
 - Offer to walk the client through the next time he or she has to respond to the other parent on a contentious communication exchange.
- The possessive gatekeeper will not fare well in the end. For example: A father who denies the mother access to a child for muffins with mom at school looks like a complete jerk!

Tips continued...

- Culture! Does client have a unique family culture and if so, how is he or she going to involve the children in family practices related to that culture?
- Speaking of culture. Does your client have certain expectations that are a result of being raised in a certain culture?
- Dig deep with client. When you go through the timeline ask questions; challenge inconsistencies.
- A client in therapy is a GOOD thing. Shows self-awareness and the ability to seek help when needed!

Pet Peeves of Evaluators

“My biggest pet peeve is when a client makes a lot of claims or allegations they cannot back up and have no proof of regarding the other parent. Then the Evaluator has to use lots of valuable time investigating those claims. Allegations of sexual abuse often fall in that category. They just ‘feel’ something is wrong..”

- Sandra Dooley, Ph.D.

Pet Peeves of Evaluators

“Repeatedly calling the child ‘my’ child rather than ‘our’ child.”

-Ron Stone, Ph.D.

“When a client brings up head lice and claims that the child got it at the other parents house.

However, I did get some satisfaction when the complaining parent informed me that she contracted the head lice as well.”

- Ellen Hutton, LPC

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A few thoughts:

- His use of possessive pronouns needs improvement.
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So, what do we know about Frank so far?

- His use of possessive pronouns needs improvement.
 - He used the word “my” when referring to the children.
- He’s a blamer.
- He has unrealistic expectations.

How can we help Frank?

- Validate, empathize and maybe even agree (carefully) with Frank. You want Frank to know you are on his side.
- That all said, Frank needs to know that the evaluator is not on his side. The evaluator is on the children's side.
- So - Frank needs a reality check!!
- Even the brief information he provided prior to the temporary orders hearing, shows some major inconsistencies. Those should be addressed.
- Frank's motives may be related to his desire NOT to pay child support. Once he learns that he is going to very likely pay child support, he may turn down his hostility and petty accusations toward mom. So be clear with him about his likely child support obligation.
- We need to know what Frank has done in the past to spend time with his children because it seems he didn't make the effort until the divorce was filed.
- We need to tone down his tendency to blame mom.
- Get him to focus on himself and his strengths as a parent.

What should Frank tell the boys?

- There is a concern because it does seem he has discussed the case with the boys. Encourage that to stop now and going forward!
- Based on their ages, he should tell them whatever evaluator tells him to say about his or her meeting with the children.
- Frank might should ask the evaluator how to explain evaluators involvement. This is a good question to ask! Shows the client is concerned about the children and about how the evaluation process will impact them.