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Protecting Families & Businesses Through All of Life's Journeys

BUZZ WORDS: CUSTODY EVALUATIONS WHEN ABUSE IS PRESENT

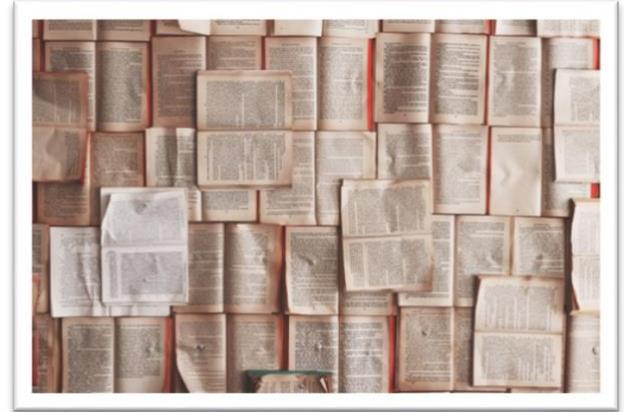
In a previous Buzz Words Article, we outlined the different types of abuse and how to distinguish these from just alleging abuse as a general statement in order to distinguish your experiences to the Judge, so it is actually considered as evidence in your case.

There are other people, expert witnesses, that can frame your experiences of domestic violence in a light that neither you nor your attorney is able to do through our rules of evidence and procedure—rules attorneys have to stick to when taking your case to trial.

These Forensic Evaluators and Custody Evaluators are expert witnesses employed by one or both parties to conduct a psychological and scientific review into the depths of your personal and parental life.

Custody and Forensic Evaluations are typically required when two parties have vastly different claims of experiences and stories. Courts utilize evaluators as a neutral third party in attempt to find the truth amidst the polarizing positions of the parties.

These evaluations are as uncomfortable as they sound, but they may be necessary to prove your case. Now let's take a deeper dive to better understand how evaluations work and the role of the evaluator in a divorce or custody matter.



WHAT IS THE ROLE OF THE CUSTODY EVALUATOR?

The role of a Custody Evaluator is to dive into the lives of parents and give the Court an accurate summary and recommendation for parenting time. Custody Evaluators look into backgrounds, talk to friends, family, doctors, teachers, and counselors. Custody Evaluators aim to give the Court a full picture of the lives of the parties and to highlight the best interests of the child. Ultimately, the Custody Evaluator gives the Court a recommended parenting time schedule based upon their findings and research. These evaluators may use personality testing, mental health screenings, and violence assessments to aid in their analysis. Custody Evaluators require a special certification, and many of the evaluators are also attorneys or mental health counselors.

How does a Custody or Forensic Evaluation differ from a Home Study?

Actually, a home study is only a small piece of the evaluation puzzle for any evaluator in the custody field. A home study typically involves multiple visits to your home when your children are present to see how your home is kept and how your family interacts. A Custody Evaluation goes far past just visiting the home.

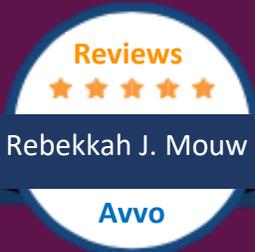


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WHAT IS THE ROLE OF THE FORENSIC EVALUATOR?

The role of a Forensic Evaluator differs from custody evaluators as they do not give specific recommendations. Instead, a Forensic Evaluator is used to take a narrow question and analyze the likelihood of its truth. For example, in a case of sexual abuse of a child, a forensic evaluator will conduct many of the same personality and character assessments as the custody evaluator but use these tests to determine the likelihood of whether this abuse occurred or did not. In conjunction with those tests, the Forensic Evaluator will also conduct interviews with the parents, child, and do an extensive amount of background research and specific research on the file. It is not the job of the Forensic Evaluator to give the Court a recommendation, it is instead their role to give the Court the scientific tools needed to come to a conclusion on a specific issue. Forensic Evaluators typically have specialized educational degrees and scientific training.

You can also get the best of both worlds. You may want to look for a Forensic Custody Evaluation that takes the goals of the Custody Evaluation and combines them with the science behind the Forensic Evaluator. Generally, these take longer and cost more because more information is gathered, the analysis is deeper, and the evaluator has a higher degree. What type of evaluation will you need? It depends on the facts of your case and your goals.

WHAT SHOULD I EXPECT?

You should expect to pay a couple thousand dollars and spend at minimum a few months dedicated to this process. You should also expect that your custody proceedings will be effectively halted until the completion of the evaluation.

WHAT SHOULD I BE CAUTIOUS OF?

Evaluations are in high-demand, time-consuming, and do not pay that well compared to the number of hours an evaluator has to put in. Keep a look out for an evaluator that does not ask for all of your medical and mental health records or follow through with what they told you they would do. Read the initial documents carefully and make copies. Evaluators are people too, which means they can be biased, over-worked, or distracted. That doesn't mean your case should suffer.

Parents stop at nothing to protect their children. If you think your case could turn into a battle, you want someone who specializes in high-conflict custody cases to protect you and your family. Call us at 605-777-1772 for a consult with our family law team today to ensure someone has your back.

**This article is only intended to give general information and not specific legal advice. Consult with an attorney on your situation before taking any legal action.*