



COURT OF COMMON PLEAS, MONTGOMERY COUNTY
DOMESTIC RELATIONS DIVISION

DENISE L. CROSS, ADMINISTRATIVE JUDGE

JUDITH A. KING, JUDGE

GUIDELINES FOR *CHILD CUSTODY* EVALUATIONS

The purpose of child/children custody evaluations is to assist the court in determining the custody issue. The evaluator is not to be an advocate for either party nor for the child/children, but, should produce an impartial and neutral report.

At the outset, the evaluator should identify the issue to be decided by the court. If the issue is sole custody, one parent should be recommended. If the issue is whether the parents should enter into a shared parenting arrangement as set forth in one or more filed shared parenting plans, the report should include a recommendation as to that issue and in the alternative who should be awarded sole custody if the shared parenting plan is not adopted. If the evaluator's opinion is that a proposed shared parenting plan should be modified to reach the best result, the report should contain the recommended modifications but an alternative recommendation of sole custody is still necessary. If neither party has filed a shared parenting plan, the recommendation should be limited to sole custody.

The evaluator shall determine the evaluation process in accordance with accepted professional standards. In addition to the parents and the child(ren), a member of parental household who is likely to have significant contact with the child or children may be included in the evaluation process. The evaluator shall not consider whether the custody evaluation is for an original allocation of custody or a change of custody since to do so would require the evaluator to make a legal conclusion. It is important that the evaluator not interview/test any child for custody evaluation purposes without a court order, and shall only conduct a psychological examination once for each child, so as to minimize stress for the child. Standardized tests, interviews and observation of interactions among family members, are within the range of usual practice. The evaluator should include in the report the names of tests and/or techniques utilized, and the conclusions drawn from them which form the basis of the evaluator's recommendations.

Histories of the persons involved in the evaluation should be obtained only from those individuals. No effort should be made to verify historical detail supplied by the parties through consultations with other professionals who may have treated the parties, school teachers, law enforcement agencies, Montgomery County Children Services, or other persons who might be called as witnesses. Such independent investigation may render the entire report of the evaluator inadmissible as evidence. However, a member of a parental household who is likely to have significant contact with children living in that household, may be included in the evaluation process.

The written report, complete with case name and case number, should be submitted to the assigned judge or magistrate of the domestic relations court with copies to both attorneys, at least 14 days before the scheduled hearing unless another date is specified in the appointment entry. The party contesting the evaluator's recommendation is responsible for arranging for the evaluator's appearance at the hearing. A party desiring to cross-examine shall arrange for the psychologist's or psychiatrist's appearance at hearing and is responsible for paying the fee for that appearance.