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Process of the Evaluation

A comprehensive child custody evaluation typically has major, long-lasting consequences for children and parents. In order for its conclusions and recommendations to be sound ones, much information is needed. This document describes the typical process of a child custody evaluation, as I conduct them. You are welcome to ask me questions.

COURT ORDER: A custody evaluation is governed by a court order. Often, the parents and their attorneys write this order, which is then submitted to the court as a stipulation. Once the court has filed or signed the order, the parents and evaluator are bound by it, unless it is changed by the court. If any information in the this document conflicts with the order for your evaluation, the information in the order applies.

PURPOSE OF THE EVALUATION: Child custody evaluations are a way of helping the court and the parents make decisions about child custody, visitation, and other issues important for the child(ren). The evaluator gathers detailed information about the children, parents, and other caretakers and conveys this information to the judge or commissioner through a written report. If ordered by the court, the evaluator also makes recommendations. You may or may not agree with the recommendations. The court may adopt some or all of them.

PROCEDURES OF THE EVALUATION: Typically, procedures for a comprehensive child custody evaluation will include the following. Times are approximate.

1. Initial meeting: One joint orientation and planning meeting of two to two-and-a-half hours with both parents, or, if parents cannot be seen together, then two individual two-hour interviews.
2. Parent interviews: Individual interviews with each parent, for the purpose of taking a detailed history and to learn each parent's about for their child(ren)'s needs and the best outcome of the family court process. These interviews typically total six to eight hours for each parent.
3. Home visits: One home visit, approximately 90 minutes, at each parent's home to meet the child(ren) and conduct initial parent-child observation, unless a restraining order or current visitation schedule precludes it. During such home visits, all children and anyone who lives in the home must be present. (If a parent has traveled from out of state for the evaluation, arrangements may be made to see that parent with the child(ren) in a non-office setting.)
4. Office observation: One 90-minute office visit with each parent and the child(ren), unless contraindicated to protect the best interests of the child.
5. Interviews of the children: Individual interviews of the child(ren) in the evaluator's office, if developmentally appropriate. Children may be seen individually and/or in various groupings,

depending on what would work best for the children and the evaluation. The length of the interview varies according to the child's age.

6. Significant others: Current spouses, live-in partners, and significant others may be interviewed and may be asked to undergo psychological testing.
7. Collaterals: Interviews either in-person or over the phone will be conducted with each "collateral" person whom the evaluator considers to be a likely source of pertinent information. Generally, this includes teachers, childcare providers and therapists, and can include others as well. The length of these interviews varies according to how much information is required; 30 min. is typical, but they range from 10 min. to over an hour. The evaluator may interview friends or relatives if it appears that such interviews would be helpful. I will consider suggestions from the parents of people they feel I should interview. Relevant information from collateral interviews will be included in the written child custody evaluation report.
8. Drug and alcohol testing: Parents may be required to undergo drug or alcohol tests.
9. Psychological testing: Psychological tests provide a valuable additional way to learn about parents and, in some cases, children. A great deal of research has been conducted on them, which helps us know what a given person's responses on them mean. Most custody evaluations include at least some psychological testing of the parents. Test results are used to confirm or question other information. That is, they are combined with information from the interviews and observation before conclusions are reached.
10. Outside consultation: When there are issues requiring specialized knowledge, such as possible neuropsychological disorder in the parents or children, the evaluator may seek outside consultation with a relevant expert. Parents or children may be seen directly by such outside experts, with the results going to me so that the information can be incorporated in my final report.
11. Final interview: Generally, each parent has a final individual interview with the evaluator, to fill in gaps in the information. This interview typically lasts 1 to 2 hours.

DOCUMENT REVIEW:

Parents will be asked to submit copies of court orders, recommending counselor (i.e., court-connected recommending mediator) reports, and custody related-filings. Their attorneys may assist them in this. Both parents and their attorneys are invited to send the evaluator any additional written material they think will be useful in determining the best interests of the child(ren); these must be simultaneously provided to the other party, if they have not previously been provided to them. The parties will be asked to aid me in gaining access to any records I believe would be important to review, including arrest records, police reports, child protective services records, medical records, mental health records, school records, and so on.

WRITTEN REPORT:

The evaluation results in a detailed written report, typically 30 to 40 pages or more. It summarizes the information gathered by the evaluator, for use by the court and the parents in making these important decisions. It also includes the evaluator's conclusions from this information and his or her recommendations, unless recommendations have not been requested.

The "distribution" of the report—that is, to whom it is sent—is governed by rules in each county. Depending on which county your case is in, I may send it to one or more of the following: directly to the court, to the recommending mediator, to your attorneys, and/or directly to each parent. I will advise you about the distribution of the report before sending it.

CONFIDENTIALITY:

There is no confidentiality or patient privilege in a custody evaluation as would be the case psychotherapy. As described above, the information I gather is summarized in my written report and provided to the court and others as dictated by local rules. All notes, testing responses, testing analysis, and documents provided to me are subject to "discovery." That is, they are available on appropriate request from either party. However, no one is permitted to share the contents of the report or other information from the evaluation outside this legal process without explicit permission from the court. To that degree, the privacy of this sensitive information is protected. For further details, see your court order and California Form FL-328 [Notice Regarding Confidentiality of Child Custody Report](#).

I reserve the right to share information with one parent that the other parent has shared with me. I will not do this without regard for the feelings and confidence of either parent, and will not do this routinely with information shared by either party. The purpose of such disclosures will be to clarify issues and gather necessary information for use in the evaluation process. Similarly, I may share limited information with collaterals in order to assist in gathering information from them.

I may also obtain consultation from other child custody evaluators or experts in specialized fields. This will be done without releasing parents' names or unnecessary identifying data.

Mandatory Reporting of Suspected Abuse and Neglect: As a licensed mental health professional, state law requires me to report to the appropriate government agency if there is reasonable suspicion that a child, elder adult, or dependent adult has been abused or neglected, unless I have documentation that the possible incident has already been reported. Examples would include my being told that a child has been slapped in the face or has been touched in a sexual way. I am required to relay these reports to the Child Protective Service or similar agency, which will decide whether to conduct their own investigation. These requirements apply whether or not I am working with the child or adult who may have been abused.

Risk of Suicide or Violence: If someone I'm working with states an intention to seriously physically harm another person, I am required to take steps to protect that person, generally to contact the police and the potential victim. If there appears to be serious risk that someone I'm working with

will attempt to kill themselves, I take steps to reduce that risk, which may include sharing information with family members.

IMMUNITY FROM LAWSUIT:

My understanding is that, under California law, a custody evaluator has "quasi-judicial immunity," meaning that I cannot be sued for my work in this evaluation.

POST-EVALUATION SERVICES:

When permitted by the court order, I am available to meet with the parents separately or together to answer questions about the results of the evaluation. I am also available to participate in settlement meetings they may have. When I participate in these meetings, my role is not to advocate for my recommendations, which one or both parents may disagree with. Instead, I am present to answer questions about the reasons for the recommendations and any other questions the parents or their attorneys feel would be helpful to them in exploring alternatives and attempting to reach a settlement.

I will not be available at any time to serve in a non-neutral role. For example, I am not available in the future to serve as a separate consultant to a parent or his or her attorney.

MY BACKGROUND:

Education: My undergraduate degree is from University of California, Santa Cruz, with a major in Psychology. I hold a PhD in Clinical and Personality Psychology from the University of Massachusetts.

Training: Prior to licensure, I was a Fellow at Cornell Medical Center for two years and a postdoctoral Fellow at California Pacific Medical Center. I completed my required training as a child custody evaluator in 2004.

Experience: I have had a psychotherapy practice since obtaining my California licenses in 1987. I was a Residential Scientist at UCSF 1988-1991 and later an Associate Clinical Professor. From 1993 to 2004, I was Chief Psychologist and Director of Psychology Training at California Pacific Medical Center in San Francisco. Since 2004, I have been in full-time private practice and have provided mental health expert services in family law, including child custody evaluations.

By signing below, you indicate you have received a copy of this form and have had an opportunity to ask questions about this information.

Parent Name

Parent Signature

Date