

Custody Evaluations

Custody Evaluations in Minnesota

A custody evaluation is an investigation conducted during a custody or divorce case to determine what arrangements are in the best interests of the children. The evaluator assesses each parent's ability to care for the children and recommends custody and parenting time arrangements. Judges often find these recommendations persuasive and rely on them when making custody decisions.

Who Conducts a Custody Evaluation?

Custody evaluators are third-party professionals with backgrounds in law, mental health, or both. They are either retained by one or both parents or appointed by the court if parents cannot agree. Once selected, the evaluator typically meets with the parents and their attorneys to outline the process.

What Does a Custody Evaluation Involve?

Custody evaluations are thorough and often include:

- **Interviews:** Multiple sessions with each parent and the children. Other family members, teachers, doctors, and individuals close to the children may also be interviewed.
- **Observations:** Evaluators observe interactions between each parent and the children, often in the parents' homes.
- **Document Reviews:** This may include communications between parents, legal documents, physical and mental health records, school reports, and criminal records.
- **Professional Assessments:** Evaluators may request additional evaluations, such as psychological tests or substance abuse assessments, if concerns arise.

The process usually takes between three months and a year, depending on the case's complexity and the information required.

Costs of a Custody Evaluation

Custody evaluations are more expensive than other dispute resolution methods like mediation. Costs typically range from \$5,000 to over \$15,000, depending on the evaluator's fees and the case's complexity. Evaluators usually require a retainer of \$2,500 to \$5,000 and charge an hourly or flat rate. Costs are generally split equally between parents, though a judge may adjust this based on each parent's financial situation.

The Evaluator's Report

If the evaluation does not resolve custody disputes, the evaluator prepares a detailed written report. This report reviews the statutory "best interest" factors, provides an analysis, and includes recommendations for custody and parenting time. The report is submitted to both parents and the court.

Impact on Court Proceedings

Judges often give significant weight to custody evaluation reports due to the evaluator's neutrality, thorough investigation, and expertise. While not binding, the recommendations frequently influence the court's final decision. If the case proceeds to trial, the evaluator may testify about their findings and conclusions.

Tips for Working with a Custody Evaluator

1. **Be Cooperative and Respectful:** Avoid appearing combative or questioning the evaluator's competence. A positive relationship with the evaluator can influence how your perspective is received.
2. **Present Concerns Constructively:** Address issues with the other parent calmly, focusing on the children's welfare rather than expressing anger or hostility.
3. **Strategize with Your Attorney:** Work closely with your attorney to ensure the evaluator considers critical evidence, witnesses, and other factors that support your case.

Custody evaluations are pivotal in contested custody cases, so preparation and cooperation are essential. Properly handling this process can significantly impact the outcome of your case.