

**CHILD CUSTODY
INVESTIGATOR
EVALUATOR
REPORT**

**Coalition for the Child's Best Interest
2003**

CHILD CUSTODY INVESTIGATOR/EVALUATOR REPORT

County Superior Court
The Honorable Name of judge
Address
Phone

Case Number: FL# Case number

In re the matter of Last name of petitioner (PETITIONER) v Last name of respondent (RESPONDENT)

Petitioner: Full name of petitioner, Address, Phone number, Date of birth and age

Respondent: Full name of petitioner, Address, Phone number, Date of birth and age

Child for whom this investigation/evaluation is done:

Full name of this child, Address, Phone number, Date of birth and age, Current custody arrangement

Other children whose custody is at issue:

Full names of other children, Address, Phone number, Date of birth and age, Current custody arrangement

Declaration under penalty of perjury of the investigator/evaluator:

“I, Evaluator's full name declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration. I swear under penalty of perjury that the following is true and correct to the best of my knowledge, and that:

My contact information is: Evaluator's full address and phone number.

1. On Date of appointment, I was appointed by this court to conduct an evaluation of the parties listed above for purposes of determining the custodial and visitation arrangement which would best protect the best interest of the child listed above, those best interests being specifically defined as the health, safety and welfare of that child. *[CA Family Code Section 3011]*

I was appointed by the court pursuant to the following authority (check all that apply)

CA Family Code Section 3111: Contested proceedings involving child custody or visitation rights

CA Family Code Section 3118: Evaluation of child sexual abuse allegations

CA Evidence Code Section 730: Expert evidence (investigation and report) required, and testify as an expert in the relevant subject area at trial

CA Code of Civil Procedure Section 2032: Physical or mental examination of a party, an agent of a party, or a natural person in the custody or under the legal control of a party.

2. In accordance with the requirements of CA Family Code Sections 3111(a) and 3118(b)(6), this report is being filed by me with the clerk of the court and served upon the parties and their attorneys no later than ten (10) days prior to the hearing at which child custody an/or visitation is set to be decided.

That hearing is scheduled for Date of hearing and today's date is Today's date.

3. **Distribution** of this child custody investigation/evaluation report is made to the following individuals and/or entities: *[Rule 1257.3(e)(1)(C) and 1257.1(d)(1)(D)]*

- Clerk of the court
- Mother/mother's attorney
- Father/father's attorney
- Child/child's attorney
- Statewide data collection point

This report may be received in evidence on **stipulation** of all interested parties. *[Family Code 3111(a) and (c)]*

4. **Payment** for this child custody investigation/evaluation and report is as follows:

Appointment under CA Family Code 3112

The **cost** of this report is \$ Amount to be paid by the **court** *[Rule 1257.3(e)(1)(E); Family Code 3112]*

If the court has determined that the parent, guardian, or other person charged with the support of the minor is able to repay the court all or part of the expense of the investigation, evaluation report and recommendation, the **court order is attached**. *[Family Code 3112; Rule 1257.3(e)(1)(E); Rule 1257.3(d)(1)(D)]*

Appointment under CA Evidence Code 730

If the **court** on its own motion appointed me as an expert under Evidence Code 730 to investigate, to render a report, and to testify as an expert at the trial of the action relative to the fact or the matter as to which the expert evidence is or may be required, the court may fix the compensation for these services at the amount as seems reasonable to the court. *[Evidence Code 730]*

The cost of this report and testimony is \$ Amount to be paid by Payor.

If the **party/parties** have requested me as an expert witness, I am to be paid by the party/parties calling me. The cost of this report and testimony is \$ Amount to be paid by Payor. *[Evidence Code 722]*

Any party to the action may produce **other expert witnesses** on the same fact or matter mentioned in Section 730, but their fees shall be paid by the party calling them. *[Evidence Code 733]*

5. My understanding of the issues the court wanted me to investigate and provide a recommendation on are as follows: (Check all that apply)

- The custodial placement which would best serve the best interests of the child regarding the child's health, safety and welfare.
- The visitation arrangement which would best serve the best interests of the child regarding the child's health, safety and welfare.
- What, if any, type of therapy or treatment is recommended for each of the child, father and/or mother.

Whether or not the parents or either of them have a history of abuse of drugs or alcohol and how that affects the best interests of the child and the substance abusing parent's ability to protect the best interests of the child.

Whether or not the parents or either of them have a history of domestic violence or there is a likelihood that the parents or either of them have initiated the perpetration of domestic violence, including how that violence affects the best interests of the child regarding the health, safety and welfare of the child and the safety of all family members, and the perpetrating parent's ability to protect the best interests of the child.

Whether or not there is a likelihood the child was a witness to domestic violence, and the effects of that on the child.

Whether or not there is a likelihood that child was physically abused, and if so, by whom.

Whether or not there is a likelihood that the child was sexually abused, and if so, by whom.

6. Optional, but recommended. Each evaluated individual has reviewed and provided corrections on facts in this investigation/evaluation report, prior to the release of the report. Corrections were made and incorporated into the report, and all comments are attached.

Signatures of all evaluated individuals:

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature of investigator/evaluator

Signature

Date

RECOMMENDATIONS AND CONCLUSIONS

REQUIRED FOR ALL CHILD CUSTODY INVESTIGATIONS/EVALUATIONS

I declare that the following clear, detailed recommendations are made **only for parties who have been evaluated**, relying on the my data collection, analysis, interpretation, and conclusions, substantiated by multiple data sources. [Rule 1257.3(e)(3)(C) and (D)]:

I declare under penalty of perjury that my evaluation is based a **thorough investigation** of the issues listed above, which complied with all requirements of CA Family Code Sections 3110.5 and 3118, and of this child's developmental needs, attachment to each parent and each parent's social environment, reaction to the separation, divorce, or parental conflict, and therapeutic needs, and, as needed, on any evidence of substance abuse, domestic violence, and/or child abuse regarding the health, safety and welfare of the child and safety of all family members. [CA Family Code Sections 3011, 3020, 3030, 3031, 3044, 3046, 3100, 3110.5, 3113, 3118, 3190, 6203, and 6211; and CA Penal Code Sections 273a, 11164 et seq., and CA Rules of Court 12578.1, 1257.3, 1257.4., 1257.7]

RECOMMENDATIONS

1. CUSTODY

The custodial placement that would best serve the interests of the child regarding the child's health, safety, and welfare, and safety of all family members is:

- Physical custody to: mother/father
 Legal custody to: mother/father

2. VISITATION

The visitation arrangement with the non-custodial parent that would best serve the interests of the child regarding the child's health, safety, and welfare, and safety of all family members is:

Unsupervised visitation (Not to be recommended in child abuse cases or domestic violence within 5 years)

or

Visitation of the non-custodial parent to be **supervised** because Reason for supervised visitation until

Type of interventions prior to unsupervised visitation

Visitation with the non-custodial parent **suspended** because Reason for suspension of visitation until Type of interventions prior to unsupervised visitation.

Visitation with the non-custodial parent **denied** because Reason for denial of visitation.

3. THERAPEUTIC TREATMENT

I recommend the following type(s) of therapy/treatment for the:

Child: type of therapy/treatment.

Father: type of therapy/treatment.

Mother: type of therapy/treatment.

4. SUBSTANCE ABUSE

Neither parent nor other party in a caretaking relationship with this child has a history of substance abuse.

or

The parents or one of them and/or another party in a caretaking relationship with this child have a history of substance abuse as defined in CA Family Code Section 3011.

Mother

Based on the evidence I collected, Mother's name has a documented history of substance abuse (such as a DUI, prior substance abuse treatment, diagnosis by qualified substance abuse expert, etc.) and

Has verification of abstinence for Length of time in Type of recovery program.

Is habitually or continuously using a controlled substance: Type of substance.

Is habitually or continuously using alcohol: Amount and frequency of alcohol use.

Refuses to agree to drug/alcohol testing

Father

Based on the evidence I collected, Father's name has a documented history of substance abuse (such as a DUI, prior substance abuse treatment, diagnosis by qualified substance abuse expert, etc.) and

Has verification of abstinence for Length of time in Type of recovery program.

Is habitually or continuously using a controlled substance: Type of substance.

Is habitually or continuously using alcohol: Amount and frequency of alcohol use.

Refuses to agree to drug/alcohol testing

Other party in a caretaking relationship with this child

Based on the evidence I collected, Party's name has a documented history of substance abuse (such as a DUI, prior substance abuse treatment, diagnosis by qualified substance abuse expert, etc.) and

Has verification of abstinence for Length of time in Type of recovery program.

Is habitually or continuously using a controlled substance: Type of substance.

Is habitually or continuously using alcohol: Amount and frequency of alcohol use.

Refuses to agree to drug/alcohol testing

5. DOMESTIC VIOLENCE

Neither parent nor any party in a caretaking relationship with this child has a history of domestic violence

or

The parents or one of them and/or another party in a caretaking relationship with this child have a history of domestic violence as defined in CA Family Code Sections 6203 and 6211, or based on the evidence I collected, there is a likelihood that the parents or one of them and/or another party in a caretaking relationship with this child is a perpetrator or victim of domestic violence by the other parent and/or party.

The parent who appears to have been the primary **perpetrator** of this violence is Name and relationship with this child.

The parent who appears to have been the primary **victim** of this violence is Name and relationship with this child

As appropriate, other party or parties who appear to have been the primary **perpetrator(s)** of violence is/are Name of other party/ies and relationship with this child.

A protective/restraining order was granted to Name of parent/party and relationship with this child against Name of parent/party and relationship with this child on Date of order because Reason for restraining/protective order.

6. CHILD WITNESS TO DOMESTIC VIOLENCE

Not applicable. No domestic violence is alleged.

or

Based on the evidence I collected, it appears likely that the child was **not** a direct witness to the above referenced domestic violence. The effects the domestic violence had on this child, regardless of whether there is evidence the child was a direct witness to the violence are as follows:
Effects of domestic violence on this child.

or

Based on the evidence I collected, it appears likely that the child **was a witness to domestic violence**. The effects of witnessing domestic violence on this child areas follows:
Effects of witnessing domestic violence on this child .

7. CHILD PHYSICAL ABUSE

Based on the evidence I collected, it appears likely the child was **not** physically abused.

or

Based on the evidence I collected, it appears likely the child **was physically abused**.

The child states he/she was physically abused by:

Name of identified perpetrator and relationship to this child

8. CHILD SEXUAL ABUSE

Based on the evidence I collected, it appears likely the child was **not** sexually abused

or

Based on the evidence I collected, it appears likely the child **was sexually abused**:

The child states he/she was sexually abused by:

Name of identified perpetrator and relationship to this child

or

I was not able to determine whether or not the child was sexually abused, but in my opinion, based on the evidence I collected, safety precautions are in order, requiring supervised visitation with the allegedly abusing parent and ongoing therapy for the child, until such time as the matter can be re-evaluated based upon new information from the child's therapeutic treatment provider or other evidence.

“The single most important indicator (of sexual abuse) is disclosure by a child to a friend, classmate, teacher, friend's mother or other trusted adult.... It is not uncommon for the disclosure by children experiencing chronic or acute sexual abuse to be delayed. Children rarely fabricate these accounts; they should be taken seriously.” (California Attorney General's Office *Child Abuse, An Educator's Responsibility*, August 1999)

I collected and reviewed substantial independent corroboration of abuse, consisting of written reports by: *[Family Code 3011]*

- Law enforcement agencies
- Child protective services
- Social welfare agencies
- Courts
- Medical facilities
- Public agencies
- Private nonprofit organizations

ADDITIONAL DOCUMENTATION FOR MEDIATORS

Not applicable: not a mediator.

or

Mediation was **suspended** or **discontinued** due to allegations of child abuse or neglect, and a designated agency performed an investigation and reported a case determination to the mediator. *[Rule 1257.1(e)(6)]*
Placing a person (including a child) in reasonable apprehension of imminent serious bodily injury to that person or to another is abuse. *[Family Code 6203(c); 6211]*

or

The following **parenting plan is recommended**, and this plan was given to counsel or the parties **before** the recommendation was presented to the court. *[Rule 1257.1(e)(8)(A)]*:

Summary of the **parties' agreement**: *[Rule 1257.1(e)(8)(A)]*
Summary of agreement.

If parents were unable to agree, summary of the mediator's **recommendation**: *[Rule 1257.1(e)(8)(A)]*
Summary of mediator's recommendation.

Description of how the parents or other appropriate parties will share and divide their **decision making** and **care taking** responsibilities to protect the health, safety, welfare, and best interest of the child who is a subject of the proceedings: *[Rule 1257.1(c)(2)]*
Description of parents' decision-making and care taking responsibilities.

Appropriate provisions for **supervised visitation in high risk** cases which protects the health, safety, welfare, and best interests of the child and optimizes the child's relationship with each party: *[Rule 1257.1(e)(4)]*
Provisions for supervised visitation and reason child is at high risk of violence by supervised parent/party .

How the parenting plan complies with any **restraining orders** or **safety-related issues** affecting any party or the child named in the proceedings: *[Rule 1257.1(d)(1)(D)]*
How plan complies with restraining/protective orders and safety-related issues.

How this comprehensive agreement addresses the child's current and future **developmental needs**:
[Rule 1257.1(d)(2)(C)(ii)]
How the comprehensive agreement addresses child's current and future developmental needs.

LIMITATIONS AND SUPPORT OF CONCLUSIONS

1. LIMITATIONS

This evaluation is limited due to: *[Rule 1257.3(e)(3)(B)]*

The following **unobtainable** information:
Unobtainable information

Failure of the following party or parties **to cooperate** in the investigation/evaluation:
Parties' failure to cooperate in evaluation

Circumstances of the following particular interviews:
Limiting circumstances of specific interviews

2. SUPPORT OF CONCLUSIONS

The following **other data sources substantiate my interpretation and conclusions** regarding this child's health, safety, welfare, and safety of family members; the child's developmental needs, attachment to each parent and each parent's social environment; and the child's reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2) and (3)(A)]*.

Data, including research, that substantiates or corroborates my conclusions

The following relevant **information and documents corroborate** my conclusions: *[Rule 1257.3(e)(2)(E)]*
Information and documents that corroborate conclusions.

3. NON-SUPPORT OF CONCLUSIONS

The following information **does not support** my conclusions: *[Rule 1257.3(e)(3)(A)]*
Information that does not support conclusions.

4. CONSULTATION WITH OTHER EXPERTS

If appropriate, the **results** of my **consultation** with other **experts** to develop information that is beyond my scope of practice or area of expertise. *[Rule 1257.3(e)(2)(F)]* An expert has specialized knowledge, skill, experience, training or education sufficient to qualify him as an expert. *[Evidence Code 720(a)]*

Results of consultation with other experts, including names and contact information of experts, area of expertise and special knowledge, skill, expertise, education.

INVESTIGATOR/EVALUATOR DECLARATION

I Name of custody investigator/evaluator declare that I am a **child custody court-appointed investigator/evaluator** (e.g., a probation officer, domestic relations investigator, or court-appointed evaluator directed by the court to conduct an investigation.) This includes, but is not limited to, family court services staff members, mental health professionals, mediators, or other county employees or private professionals directed by the court to conduct such an investigation. *[Family Code 3110, 3110.5, and Rule 1257.3(c)-(d)]*

I hereby declare, under penalty of perjury, that:

1. The **scope** of the investigation/evaluation report is described as follows: *[Rule 1257.3(e)(1)(C)]*
- This is a **full** evaluation (a comprehensive examination of the health, safety, welfare, and best interest of the child.) *[Rule 1257.3(c)(4)]*
- or**
- This is a **partial** evaluation. (See attached court order limiting the examination of the health, safety, welfare, and best interest of the child in either time or scope.) *[Rule 1257.3(c)(5)]*
- This investigation is **limited** to Number of hours .
 - This investigation is **limited** in Scope of limitation.
2. I have examined and considered the **health, safety, welfare, and best interest** of this child within the scope and purpose of the evaluation as defined by the court order. *[Rule 1257.3(c)(4) and (5); and Rule 1257.3(d)(2)(A)]*
3. Any recommendations regarding physical or legal custody or visitation is made in a manner that ensures the **health, safety, and welfare** of the child and **safety** of all family members. *[Family Code 3020(c)]*
4. Recommendations are offered only on **parties whom have been evaluated**. *[Rule 1257.1(g)(4)]*
5. I utilized comparable interview, assessment and testing **procedures** for all parties **consistent** with **generally accepted** clinical, forensic, scientific, diagnostic, or medical **standards**. *[Family Code 3110.5(b)(1)(B)]*
6. I have **minimized** the potential for **psychological trauma** during the evaluation/investigation process. *[Rule 1257.3(d)(2)(B)]*
7. I have been **sensitive** to the socioeconomic, gender, race, ethnicity, cultural values, religious, family structure, and developmental characteristics of the parties. *[Rule 1257.1(g)(11) and Rule 1257.3(h)(11)]*
8. I am knowledgeable about **relevant resources** and **service providers**. (For example, domestic violence resources, child abuse counselors, substance abuse treatment providers, etc.) *[Family Code 1815(a)(6) and Rule 1257.4(m)(5)]*
9. I have no possible or actual **multiple roles** or **conflicts of interest** in this case. If any such conflicts or interest or dual relationships exist, I have disclosed them to the court, parties, attorneys for a party and attorney for the child. *[Rule 1257.1(g)(10) and (12); Rule 1257.3(h)(10); and Rule 1257.4(m)(6)]*

1. WRITTEN INFORMATION PROVIDED TO EACH ADULT PARTY

At the beginning of the custody evaluation, I clearly **informed** each adult **party** in **writing** of:

The **purpose** of the evaluation, as attached or as follows: *[Family Code 3110.5(b)(1)(B); Rule 1257.4(m)(2) and 1257.3(e)(1)(A)]*

Written explanation provide to each adult party about the purpose of evaluation..

The **limitations** on the **confidentiality** of the process, including mandated reporting requirement, including but not limited to suspected child abuse and neglect, and threats to harm one's self or another person, as attached or as follows: *[Rule 1257.3(e)(1)(D) and Rule 1257.3(h)(8)]*

Written explanation provided to each adult party of limitations on confidentiality and mandated reporting requirements.

The **procedures** and **time** used to **gather** information, attached or as follows: *[Rule 1257.3(e)(1)(B) and (3)(A)]*

Written explanation provided to each adult party of the procedures and time to gather information.

The **procedures** and **time** used to **assess** information, attached or as follows: *[Rule 1257.3(e)(1)(B) and (3)(A)]*

Written explanation provided to each adult parry of the procedures and time to assess the information.

The **interview** and **assessment procedures** used, consistent with generally accepted clinical, forensic, scientific, diagnostic, or medical standards, attached or as follows: *[Rule 1257.4(m)(3)]*

Written explanation provided to each adult party of interview and assessment procedures, and the generally accepted standards that are used..

The **testing procedures**, consistent with generally accepted clinical, forensic, scientific, diagnostic, or medical standards, attached or as follows: *[Rule 1257.4(m)(3)]*

Written explanation provided to each adult party regarding the testing procedures and how they meet generally acceptable standards.

The role of any **psychological tests** used in **confirming** and **questioning** other information and/or previous conclusions, attached or as follows: *[Rule 1257.3(e)(1)(B)]*

Written explanation provided to each adult party of the role of any psychological testing in confirming or questioning other information or conclusions.

2. INFORMATION PROVIDED TO EACH ADULT PARTY

I declare that at the beginning of the child custody evaluation, I **informed** each adult **party** of:

The **purpose** and **nature** of the evaluation, as follows: *[Family Code 3110.5(b)(1)(A); Rule 1257.4(m)(2)]*

Information provided to each adult party about the purpose and nature (reason for and inherent characteristics) of the evaluation and how the information was provided.

The **method** of the evaluation, as follows: *[Family Code 3110.5(b)(1)(A); Rule 1257.4(m)(2)]*

Information provided to each adult party about the method of the evaluation (how the evaluation is carried out) and how information was provided.

My education, experience, and training. *[Family Code 1815,1816, 3110.5, &3111; and Rules 1257.1(f),1257.3(g), 1257.4(d)(e)(f)(g)(h)(i)(j)(k)(m)(2), and 1257.7]*

Information provided to each adult party regarding my education, experience, training and how that information was provided.

3. INFORMATION PROVIDED TO THE CHILD

I declare that I included in the initial meeting with this Age-year-old **child** the following age-appropriate **explanation** of the evaluation **process**. *[Rule 1257.3(d)(C)]*

Age-appropriate verbal explanation to this child about the reason of the evaluation process, using investigator/evaluator's words

I declare that I included in the initial meeting with this child the following age-appropriate explanation of the **limitations** on the **confidentiality** of the evaluation process *[Rule 1257.3(d)(C)]* which includes a description of the requirements for mandatory reporting of **suspected child abuse**. *[Penal Code 11165.7(a)(21)]*

Age-appropriate verbal explanation to this child regarding the limitations of confidentiality and mandatory reporting requirements, using investigator/evaluator's words.

Signature of investigator/evaluator _____ Date _____

EVIDENCE FOR RECOMMENDATIONS

1. BRIEF HISTORY OF CASE

Background of custody case.

2. DATA COLLECTION METHODS

I used the following **data collection** methods to observe and consider each party in comparable ways regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2)]*

Mother	Father
Data collection methods to observe and consider the parents in comparable ways	Data collection methods to observe and consider the parents in comparable ways

3. INTERVIEWS WITH PARENTS

I **interviewed** each parent conjointly, individually, or both conjointly/individually regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2)(C)]*

Mother	Father
Dates, times, and content of all interviews. (As appropriate, reason conjoint interviews were contraindicated in cases of domestic violence)	Dates, times, and content of all interviews. (As appropriate, reason conjoint interviews were contraindicated in cases of domestic violence)

4. PARENTS' HISTORY OF CARING FOR THE CHILD

I **assessed** each parent's history of involvement in **caring for this child** regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Family Code 3011(c), Rule 1257.3(e)(2)(C)(ii)]*

Mother	Father
Nature of caretaking (feeding, bathing, putting to bed, taking to school/activities/doctors, etc.) and percentage of time caring for child prior to separation/currently	Nature of caretaking (feeding, bathing, putting to bed, taking to school/activities/doctors, etc.) and percentage of time caring for child prior to separation/currently

5. INTERVIEWS WITH CHILD

I interviewed **this child** regarding his/her: *[Family Code 3042; Rule 1257.1(g); 1257.3(e)(2); 1257.3(h)(7)]*

a) Health: Child's statements about his/her physical/psychological health .

b) Welfare: Child's statements about his/her welfare (well-being, interests, happiness).

c) Safety: Child's statements about his/her safety and the safety of family members.

d) Developmental needs:

Child's statements about his/her needs at this time in his/her life, particularly in regards to living arrangement.

e) Attachment:

Child's statements regarding his/her attachment and bonding to his/her mother and mother's social environment.

Child's statements regarding his/her attachment and bonding to his/her father and father's social environment.

Child's statements regarding his/her attachment and bonding to other caretakers, as appropriate.

f) Reaction to the separation, divorce, or parental conflict:

The child's statement about how he/she is reacting to the separation/divorce and the parental conflict.

g) Wishes for custody and visitation.

The child's statements regarding for custody and visitation. A statement by the custody investigator/evaluator that the child was not pressured, but was provided an opportunity to discuss this issue and how that opportunity was provided.

6. OBSERVATION OF PARENT/CHILD INTERACTION

I **observed** each parent's **interaction** with this child regarding the child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict, unless contraindicated to protect the best interest of the child. *[Rule 1257.3(e)(2)(B)]* Please describe date(s), time frames, and context of each observation, or why such observation was contraindicated to protect the best interest of the child.

Mother	Father
The times, context and outcomes of each observation of parent and child, or why observation was contraindicated to protect the child's best interest	The times, context and outcomes of each observation of parent and child, or why observation was contraindicated to protect the child's best interest

7. PARENTS' UNDERSTANDING AND RESPONDING TO CHILD'S NEEDS

I **assessed** each parent's capacity for **understanding** and **responding to the child's needs**, regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2)(C),(i)]*

Mother	Father
My assessment of the parent's capacity for understanding and responding to child's needs and reason for the my conclusion	My assessment of the parent's capacity for understanding and responding to child's needs and reason for the my conclusion

8. PARENTS' CAPACITY FOR SETTING LIMITS

I **assessed** each parent's capacity for setting **age-appropriate limits**, regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2), (2)(C)(i)]*

Mother	Father
My assessment of the parent's capacity for setting age-appropriate age limits for this child and reasons for my conclusions	My assessment of the parent's capacity for setting age-appropriate age limits for this child and reasons for my conclusions

9. PARENTS' WORKING TOWARD RESOLUTION OF CONFLICT

I **assessed** each parent's methods for working toward **resolution of the child custody conflict** regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2)(C)(iii)]*

Mother	Father
My assessment of the parent's methods for working toward resolution of the child custody conflict and reasons for my conclusions	My assessment of the parent's methods for working toward resolution of the child custody conflict and reasons for my conclusions

10. PARENTS' SOCIAL FUNCTIONING

I **assessed** each parent's **social functioning** regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2)(C)(v)]*

Mother	Father
My assessment of the parent's social functioning and reasons for my conclusions	My assessment of the parent's social functioning and reasons for my conclusions

11. PARENTS' PSYCHOLOGICAL FUNCTIONING

I **assessed** each parent's **psychological functioning** regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2)(C)(v)]* If psychological **testing** was administered, please summarize the results in this section. Theories and rare, non-evidentiary psychological labels are not consistent with generally accepted clinical, forensic, scientific, diagnostic, or medical standards. In cases of family violence/abuse, post-traumatic stress symptoms may be relevant corroborating evidence.

Mother	Father
My assessment of the parent's psychological functioning, a summary of any psychological testing and the reasons for my conclusions	My assessment of the parent's psychological functioning, a summary of any psychological testing and the reasons for my conclusions

12. PARENTS' HISTORY OF PSYCHIATRIC ILLNESS

I **assessed** each parent's **history of psychiatric illness** regarding this child's developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Rule 1257.3(e)(2)(C)(iv)]* Please summarize evidence, including dates and length of hospitalizations for psychiatric illnesses, and DSM IV diagnoses by treating professionals. Theories and rare, non-evidentiary psychological labels are not consistent with generally accepted clinical, forensic, scientific, diagnostic, or medical standards. In cases of family violence/abuse, post-traumatic stress symptoms may be relevant corroborating evidence.

Mother	Father
My review and assessment of evidence of the parent's history of psychiatric illness, including a summary of dates of hospitalization and DSM IV diagnoses by treating professionals	My review and assessment of evidence of the parent's history of psychiatric illness, including a summary of dates of hospitalization and DSM IV diagnoses by treating professionals

13. INTERVIEWS/OBSERVATIONS WITH OTHER INDIVIDUALS

I **conducted** age-appropriate conjoint, separate, or both conjoint/separate **interviews and observation** with this child, and any stepparents (including live-in domestic partners), and step- and half-siblings, unless contraindicated to protect the best interest of the child. *[Rule 1257.3(e)(2)(D)]*

Mother's side	Father's side
Dates, times and context of all age-appropriate conjoint/separate interviews/observations with this child and other parties in caretaking relationships with this child, or reasons these were contraindicated to protect the child's best interests	Dates, times and context of all age-appropriate conjoint/separate interviews/observations with this child and other parties in caretaking relationships with this child, or reasons these were contraindicated to protect the child's best interests

14. PARENTS' HISTORY OF SUBSTANCE ABUSE

Not applicable: no allegations of substance abuse

or

I **assessed** each parent's history of **substance abuse**, defined as habitual or continual illegal use of a controlled substance or habitual or continual abuse of alcohol (including reviewing all pertinent documents) regarding this child's health; safety; welfare; safety of family members; developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Family Code Section 3011(d); 3020; Rule 1257.3(e)(2)(C)(iv) and (3)(A)]*

If appointed as an expert under **Evidence Code 730**, please complete the following declaration.

I **declare** I am a certified substance abuse specialist and a recognized expert qualified to assess and identify the existence of substance abuse. My qualifications are attached.

Signature of substance abuse expert _____ Date _____

or

A certified substance abuse specialist and qualified recognized **expert** qualified to assess and identify the existence of substance abuse wrote or reviewed this section. Expert's qualifications are attached.

Signature of substance abuse expert _____ Date _____

Mother's substance abuse	Father's substance abuse
<p>1. Summary of the mother's written description of her own substance use/abuse: Mother's description of own substance abuse</p> <p>2. Summary of the father's written description of the mother's substance use/abuse. Father's description of mother's substance abuse</p> <p>3. Summary of each declaration by persons who witnessed the mothers' substance abuse: Witness description of mother's substance abuse</p> <p>4. Summary of checklists or tests providing data about substance abuse by the mother: Checklist results of mother's substance abuse</p> <p>5. Summary of independent corroboration of the mother's substance abuse. <i>[Family Code 3011(d)]</i></p> <p>Reports by: a. Law enforcement agencies: Report date, summary, who made report, outcome</p> <p>b. Courts : Report date, summary, who made report, outcome</p>	<p>1. Summary of the father's written description of his own substance use/abuse: Father's description of own substance abuse</p> <p>2. Summary of the mother's written description of the father's substance use/abuse: Mother's description of father's substance abuse</p> <p>3. Summary of each declaration by persons who witnessed the father's substance abuse: Witness description of father's substance abuse</p> <p>4. Summary of checklists or tests providing data about substance abuse by the father: Checklist results of father's substance abuse</p> <p>5. Summary of independent corroboration of the father's substance abuse. <i>[Family Code 3011(d)]</i></p> <p>Reports by: a. Law enforcement agencies: Report date, summary, who made report, outcome</p> <p>b. Courts : Report date, summary, who made report, outcome</p>

<p>c. Probation departments: Report date, summary, who made report, outcome</p> <p>d. Social welfare agencies: Report date, summary, who made report, outcome</p> <p>e. Medical facilities: Report date, summary, who made report, outcome</p> <p>f. Rehabilitation facilities: Report date, summary, who made report, outcome</p> <p>g. Public agencies or private nonprofit organizations providing drug and alcohol abuse services: Report date, summary, who made report, outcome</p> <p>6. Evidence of substance abuse by other parties affiliated with the mother in a care-taking role for this child, such as stepparents and housemates. Evidence of substance abuse by other parties</p> <p>7. Statement by child regarding mother's substance abuse and the effect of her substance abuse on this child. Child's statement about mother's substance abuse and its effects on this child</p> <p>8. Results of drug/alcohol tests, or reason none were requested Results of drug/alcohol tests</p> <p>9. Verification of treatment program, length of abstinence and relapse potential Treatment program verification/length of abstinence/relapse potential</p>	<p>c. Probation departments: Report date, summary, who made report, outcome</p> <p>d. Social welfare agencies: Report date, summary, who made report, outcome</p> <p>e. Medical facilities: Report date, summary, who made report, outcome</p> <p>f. Rehabilitation facilities: Report date, summary, who made report, outcome</p> <p>g. Public agencies or private nonprofit organizations providing drug and alcohol abuse services: Report date, summary, who made report, outcome</p> <p>6. Evidence of substance abuse by other parties affiliated with the father in a care-taking role for this child, such as stepparents and housemates. Evidence of substance abuse by other parties</p> <p>7. Statement by child regarding father's substance abuse and the effect of his substance abuse on this child. Child's statement about mother's substance abuse and its effects on this child</p> <p>8. Results of drug/alcohol tests, or reason none were requested Results of drug/alcohol tests</p> <p>9. Verification of treatment program and length of abstinence and relapse potential Treatment program verification/length of abstinence/relapse potential</p>
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15. PARENTS' HISTORY OF DOMESTIC VIOLENCE

Not applicable: no allegations of domestic violence

or

I **assessed** each parent's history of **domestic violence** (including reviewing all pertinent documents) regarding this child's health; safety; welfare; safety of family members; developmental needs; attachment to each parent and each parent's social environment; and reaction to the separation, divorce, or parental conflict. *[Family Code Section [Family Code 3011(b); 3020, Rule 1257.3(e)(2)(C)(iv) and (3)(A)]*

Family violence perpetrated against the child is assessed in the child abuse section. *[Family Code 6211]*

If appointed as an expert under **Evidence Code 730**, please complete the following declaration.

I **declare** I am a domestic violence specialist and a recognized expert qualified to assess and identify the existence and level of severity of domestic violence. My qualifications are attached.

Signature of domestic violence expert _____ Date _____

or

A domestic violence specialist and qualified recognized **expert** qualified to assess and identify the existence of domestic violence wrote or reviewed this section. The expert's qualifications are attached.

Signature of domestic violence expert _____ Date _____

If appointed as a **mediator**, please provide a **summary** of the case determination provided by the designated agency that performed an investigation of child abuse/neglect. *[Rule 1257.1(e)(6), Family Code 6203), 6211]*

Summary of the case determination by designated agency that performed the child abuse/neglect investigation, including date and name of investigator and agency.

Mother's violence	Father's violence
<p>1. Summary of the father's written chronological description of each domestic violence incident perpetrated against him by the mother, written under penalty of perjury. Description of mother's violence written by the father</p>	<p>1. Summary of the mother's written chronological description of each domestic violence incident perpetrated against her by the father, written under penalty of perjury. Description of father's violence written by the mother</p>
<p>2. Summary of each declaration by persons who witnessed violence by the mother against the father: Witness description of mother's violence against father</p>	<p>2. Summary of each declaration by persons who witnessed violence by the father against the mother: Witness description of father's violence against mother</p>
<p>3. Summary of checklists or tests providing data about domestic violence perpetrated by the mother against the father: Checklist results of mother's violence against father, including severity/potential lethality</p>	<p>3. Summary of checklists or tests providing data about domestic violence perpetrated by the father against the mother. Checklist results of father's violence against mother, including severity/potential lethality</p>

4. Whether the **child** witnessed the domestic violence. Child's description of the mother's violence against the father, and if child witnessed the violence

5. Each **protective** and/or restraining **order** protecting the father from violence perpetrated by the mother, including dates and reasons for orders:
Date and reason for each restraining order protecting the father from the mother

6. Summary of **substantial independent corroboration** of violence perpetrated by the mother against the father. *[Family Code 3011(b)(3)]*

Reports by

a. **Law enforcement** agencies:
Report date, summary, who made report, outcome

b. **Child protective** services:
Report date, summary, who made report, outcome

c. **Social welfare** agencies:
Report date, summary, who made report, outcome

d. **Courts** :
Report date, summary, who made report, outcome

e. **Medical** facilities:
Report date, summary, who made report, outcome

f. **Public** agencies or **private** nonprofit organizations providing services to victims of sexual assault/domestic violence:
Report date, summary, who made report, outcome

7. Domestic violence perpetrated against the father by **other parties** affiliated with the mother, such as stepparents, housemates, relatives, etc.:
Evidence of violence against the father by other parties affiliated with mother

4. Whether the **child** witnessed the domestic violence. Child's description of the father's violence against the mother, and whether the child witnessed the violence

5. Each **protective** and/or restraining **order** protecting the mother from violence perpetrated by the father, including dates and reasons for orders:
Date and reason for each restraining order protecting the mother from the father

6. Summary of **substantial independent corroboration** of violence perpetrated by the father against the mother. *[Family Code 3011(b)(3)]*

Reports by

a. **Law enforcement** agencies:
Report date, summary, who made report, outcome

b. **Child protective** services:
Report date, summary, who made report, outcome

c. **Social welfare** agencies:
Report date, summary, who made report, outcome

d. **Courts** :
Report date, summary, who made report, outcome

e. **Medical** facilities:
Report date, summary, who made report, outcome

f. **Public** agencies or **private** nonprofit organizations providing services to victims of sexual assault/domestic violence:
Report date, summary, who made report, outcome

7. Domestic violence perpetrated against the mother by **other parties** affiliated with the father, such as stepparents, housemates, relatives, etc.
Evidence of violence against the mother by other parties affiliated with father

16. PARENT’S HISTORY OF CHILD ABUSE

Not applicable: no allegations of child abuse

or

I **assessed** each parent’s history of **child abuse** (including reviewing all pertinent documents) regarding this child’s health; safety; welfare; safety of family members; developmental needs; attachment to each parent and each parent’s social environment; and reaction to the separation, divorce, or parental conflict. *[Family Code Section [Family Code 3011(b); 3020, Rule 1257.3(e)(2)(C)(iv) and (3)(A)]*

If appointed as an expert under **Evidence Code 730**, please complete the following:

I **declare** I am a certified child abuse specialist and a recognized expert qualified to assess and identify the existence of child abuse. My qualifications are attached.

Signature of child abuse expert _____ Date _____

or

A certified child abuse specialist and qualified recognized **expert** qualified to assess and identify the existence of child abuse wrote or reviewed this section. Qualifications of expert are attached.

Signature of child abuse expert _____ Date _____

If appointed as a **mediator**, please provide a **summary** of the case determination provided by the designated agency that performed an investigation of child abuse/neglect. *[Rule 1257.1(e)(6), Family Code 6203), 6211]*

Summary of the case determination by designated agency that performed the child abuse/neglect investigation, including date and name of investigator and agency

Mother’s perpetration of child abuse	Father’s perpetration of child abuse
<p>1. Summary of the father’s written chronological description of each child abuse incident against this child perpetrated by the mother, written under penalty of perjury Summary of father's description of each child abuse incident perpetrated by mother, including time frames and specific details</p> <p>2. Summary of each declaration by persons who witnessed child abuse against this child, or to whom the child disclosed abuse, perpetrated by the mother Summary of witness reports of each child abuse incident perpetrated by mother, including time frames and specific details</p> <p>3. The child’s statement of being abused by the mother. Child's statement of abuse by mother, written or in child's own words</p>	<p>1. Summary of the mother’s written chronological description of each child abuse incident against this child perpetrated by the father, written under penalty of perjury. Summary of mother's description of each child abuse incident perpetrated by father, including time frames and specific details</p> <p>2. Summary of each declaration by persons who witnessed child abuse against this child, or to whom the child disclosed abuse, perpetrated by the father. Summary of witness reports of each child abuse incident perpetrated by father, including time frames and specific details</p> <p>3. The child’s statement of being abused by the father. Child's statement of abuse by father, written or in child's own words</p>

<p>4. Summary of checklists or tests providing data about child abuse against this child perpetrated by the mother. Checklist/test results of mother's suspected perpetration of child abuse</p> <p>5. Summary of substantial independent corroboration of abuse. <i>[Family Code 3011(b)(3)]</i></p> <p>Reports by</p> <p>a. Law enforcement agencies: Report dates, summary of each incident, who reported, was disclosure to mandated reporter, child's exact words, child identified mother as perpetrator, outcome</p> <p>b. Child protective services: Report dates summary of each incident, who made the report, was disclosure to mandated reporter, child's exact words, child identified mother as perpetrator, substantiated, unsubstantiated, or unfounded report, outcome</p> <p>c. Social welfare agencies: Report dates summary of each incident, who made the report, was disclosure to mandated reporter, child's exact words, child identified mother as perpetrator, substantiated, unsubstantiated, or unfounded report, outcome</p> <p>d. Courts : Type of courts (juvenile, family, criminal, civil), dates of all hearings, mother is identified perpetrator, outcome of court case(s)</p> <p>e. Medical facilities: Dates of medical visits, name, degree, and specialty of medical professionals writing reports, description of physical and/or psychological injuries, outcomes of medical visits</p> <p>f. Public agencies or private nonprofit organizations providing services to victims of sexual assault/domestic violence: Time frames of services to child, mother identified as perpetrator of domestic violence/sexual abuse by agency, outcome of services</p> <p>Other written/videotaped evidence: Other evidence mother is perpetrator of child abuse</p>	<p>4. Summary of checklists or tests providing data about child abuse against this child perpetrated by the father Checklist/test results of father's perpetration of child abuse</p> <p>5. Summary of substantial independent corroboration of abuse. <i>[Family Code 3011(b)(3)]</i></p> <p>Reports by</p> <p>a. Law enforcement agencies: Report dates, summary of each incident, who reported, was disclosure to mandated reporter, child's exact words, child identified mother as perpetrator, outcome</p> <p>b. Child protective services: Report dates summary of each incident, who made the report, was disclosure to mandated reporter, child's exact words, child identified father as perpetrator, substantiated, unsubstantiated, or unfounded report, outcome</p> <p>c. Social welfare agencies: Report dates summary of each incident, who made the report, was disclosure to mandated reporter, child's exact words, child identified father as perpetrator, substantiated, unsubstantiated, or unfounded report, outcome</p> <p>d. Courts : Type of courts (juvenile, family, criminal, civil), dates of all hearings, father is identified perpetrator, outcome of court case(s)</p> <p>e. Medical facilities: Dates of medical visits, name, degree, and specialty of medical professionals writing reports, description of physical and/or psychological injuries, outcomes of medical visits</p> <p>f. Public agencies or private nonprofit organizations providing services to victims of sexual assault/domestic violence: Time frames of services to child, father identified as perpetrator of domestic violence/sexual abuse by agency, outcome of services</p> <p>Other written/videotaped evidence: Other evidence father is perpetrator of child abuse</p>
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17. ADDITIONAL DOCUMENTATION FOR CHILD SEXUAL ABUSE

Not applicable: no allegations of child sexual abuse

or

The following procedure has been followed to investigate/evaluate allegations of child sexual abuse. As of **January 1, 2001** all custody investigators/evaluators are **required** to follow the following minimum standards and requirements for investigation, evaluation and assessment of child sexual abuse allegations. [Family Code section 3110.5(b)(2)(A)-(F) and Family Code section 3118, Rule 1257.4].

I declare have knowledge of the following **psychological and developmental needs of children and parent-child relationships** : [Family Code 3110.5(b)(1)(A); 3110.5(b)(2)]

- Children's patterns of hiding and disclosing sexual abuse occurring in a family setting
- The effects of sexual abuse on children
- The nature and extent of child sexual abuse
- The techniques for identifying and assisting families affected by child sexual abuse
- The legal rights, protections, and remedies available to victims of child sexual abuse
- The local procedures for handling child sexual abuse cases
- The effect that court procedures may have on the evaluation process when there are allegations of child sexual abuse

Signature of investigator/evaluator _____ Date _____

A. CHILD WELFARE SERVICES AND LAW ENFORCEMENT CONSULTATIONS

I **consulted** with the agency providing **child welfare services** and **law enforcement** regarding the allegations of child sexual abuse.

Recommendations obtained from **child welfare services** regarding the child's **safety** and need for **protection** [Family Code 3118(b)(1)]
Child welfare agency recommendations regarding child's safety and need for protection

Recommendations obtained from **law enforcement** regarding the child's **safety** and need for **protection** [Family Code 3118(b)(1)]
Law enforcement officials' recommendations for the child's safety and protection

I **reviewed** the information in the **child welfare services agency file** including statements made by the children and the parents, and the recommendations made or anticipated to be made by the child welfare agency to the juvenile court (notes on the review are stored in a file separate from the evaluation file) [Family Code 3118(b)(2)]

Summary of whether the child or his/her parents are or have been the subject of a child abuse **investigation** and the **disposition** of that investigation (listed separately if there were multiple investigations.) [Family Code 3118(b)(6)(E)]

Summary, including the dates, of each child abuse investigation of this child/parents, and the disposition of each investigation

The **children's services worker's** name, location, and phone number (listed separately if there are multiple workers and when the worker was involve.) [Family Code 3118(b)(6)(E)]

Name, location and phone number for each children's services worker involved with this child

Summary of the **status of the investigation** and the **recommendations** made or anticipated to be made regarding the child's safety (listed separately if there are multiple investigations.) [Family Code 3118(b)(6)(E)]

Summary of the status of the investigation and recommendations made or anticipated regarding the child's safety by each investigator

Summary of any **dependency court orders or findings** that might have a bearing on the custody dispute (listed separately if there are multiple orders or findings.) [Family Code 3118(b)(6)(E)]

Summary of all juvenile dependency court orders or findings that impact the custody case

- I obtained from a **law enforcement investigator** all available information obtained from **criminal background checks** of the parents and any suspected perpetrator that is not a parent [Family Code 3118(b)(3)] The following is a **summary** of any law enforcement investigator's **investigation**, including information obtained from the **criminal background check** of the parents and any suspected perpetrator that is not a parent (listed separately if there were more than one investigation.) [Family Code 3118(b)(6)(B)]

Mother: Summary of law enforcement investigation, including criminal background check of mother

Father: Summary of law enforcement investigation, including criminal background check of father

Other suspected perpetrator: Summary of law enforcement investigation, including criminal background check of other suspected perpetrator of sexual abuse against this child

B. MULTIDISCIPLINARY INTERVIEW TEAM

- I **reviewed** the results of the multidisciplinary child interview team (**MDIT**) **interview(s)** of the child and summarized the results as follows: [Family Code 3118(b)(6)(A)] Summarize each MDIT interview separately, including dates, if there were several interviews.
Dates and summary of results of each MDIT interview

or

- I found that **no MDIT** interview of the child **was available** to me to review

or

- I **reviewed** the MDIT interview and found it **inadequate** for the purposes of this investigation. To avoid future repeated interviews of the child and minimize the potential for psychological trauma to the child during the evaluation process: [Rule 1257.3(d)(2)(B)]

I requested that an **MDIT** interview be done. Date and summary of results of the MDIT interview is entered above, under review of results of MDIT.

or

I requested a written **report** from each of the child's therapists as to the exact disclosures the child made to that therapist regarding the abuse, requesting quotes of the child's own words and asking what specific questions the therapist asked the child.

Date of treating therapist's report, summary, direct quotes from the therapist's questions and direct quotes of the child's disclosures

or

I interviewed the child myself, on video, so that an MDIT will not have to repeat such interview.

Results of my interview(s) of the child are documented as follows: *[Family Code 3118(b)(6)(A)]*

I asked the child these specific questions	The child gave me these specific answers (direct quotes)
1. Exact question I asked child	1. Exact statement made, in child's own words
2. Exact question I asked child	2. Exact statement made, in child's own words
3. Exact question I asked child	3. Exact statement made, in child's own words
4. Exact question I asked child	4. Exact statement made, in child's own words

As appropriate, on Date of report I made a **report** of suspected child abuse by phone to Name of individual and agency as mandated, and followed this report with the appropriate written form, to ensure the health, safety and welfare of this child as a result of any disclosures of abuse by the child. *[Penal Code 11165.7(a)(21)]*
A copy of the completed mandated reporting form is attached

C. FORENSIC MEDICAL EXAMINATION

I reviewed the results of the **forensic medical examination** of the child.

Summary of the results of the **forensic medical examination** is documented as follows: *[Family Code 3118(b)(6)(A)]* List separately if there have been multiple forensic medical examinations.
Dates and summary of results of the forensic medical examinations

or

No forensic medical examination was done, and I **requested a forensic medical examination** of the child. Results of forensic medical examination are entered above. *[Family Code 3118(b)(5)]*

or

My **written statement** explaining why an examination is **not needed**, if no forensic medical examination is requested. *[Family Code 3118(b)(5)]*
My statement explaining why a forensic medical examination is not requested

Note: A finding of no physical evidence of child sexual abuse does not mean that sexual abuse did not occur. Even with violent, repeated penetration, only one in thirteen victims of convicted, admitted child molesters showed physical evidence. (Joyce Adams, M.D., "It's Normal To Be Normal" and David Muram, M.D., "Child Sexual Abuse: Relationship Between Sexual Acts and Genital Findings.")

D. INTERVIEWS, DOCUMENTATION AND RECOMMENDATIONS

Documentation of **interviews** with both **parents** regarding allegations of child sexual abuse, including dates:
[Family Code 3118(b)(6)(A)]

Mother: Date and summary of interview with mother regarding allegations of sexual abuse of this child

Father: Date and summary of interview with father regarding allegations of sexual abuse of this child

Summary of interviews of all **other witnesses** who provided relevant information: *[Family Code 3118(b)(6)(A)]*

Therapist(s):

Date, method of interview, and summary of interviews with all therapists who have treated this child or parents, regarding allegations of sexual abuse of this child, or reason why therapists were not interviewed

Medical professional(s):

Date, method of interview, and summary of interviews with all medical professionals who have treated this child or parents, regarding allegations of sexual abuse of this child, or reason why medical professionals were not interviewed

Teacher(s):

Date, method of interview, and summary of interviews with all teachers of this child, regarding allegations of sexual abuse of this child, or reason why teachers were not interviewed

Clergy:

Date, method of interview, and summary of interviews with all clergy relating to this child, regarding allegations of sexual abuse of this child, or reason why clergy were not interviewed

Family member(s)

Date, method of interview, and summary of interviews with all family members, including household members, in a caretaking relationship with this child, regarding allegations of sexual abuse of this child, or reason why family members were not interviewed

I **requested** and **reviewed** documentation of relevant **background material**, including/not limited to:

Summary of written report(s) from **any therapist(s)** treating the child for suspected child sexual abuse: *[Family Code 3118(b)(6)(C)]*

Dates and summary of all written reports from therapists treating this child for suspected sexual abuse

Summary of reports from **other professionals**: *[Family Code 3118(b)(6)(C)]*

Dates and summary of all written reports from other professionals

Summary of any **other medical examination** or **treatment** that could help establish or disprove whether the child has been the victim sexual abuse: *[Family Code 3118(b)(6)(C)]*

Dates and summary of other written reports of medical examination or treatment that could help establish or disprove whether this child is a victim of sexual abuse

Summary of other relevant background material that could help establish or disprove whether the child has been the victim of sexual abuse (i.e., eligibility for Victims of Crime Program funding):

[Family Code 3118(b)(6)(C)]

Summary of other relevant background material that could help establish or disprove whether this child was a victim of sexual abuse (such as Victims of Crime Program funding eligibility, etc.)

Summary of my recommendation regarding the **therapeutic needs** of this child: *[Family Code 3118(b)(6)(D)]*
My recommendations regarding this child's therapeutic needs

Summary of my recommendation regarding **how to ensure the safety** of this child: *[Family Code 3118(b)(6)(C)]*
My recommendations regarding how to ensure this child's safety

Signature of child abuse expert _____ Date _____

CHILD CUSTODY INVESTIGATOR

EVALUATOR REPORT

PART II

EDUCATION, EXPERIENCE, TRAINING

EDUCATION, EXPERIENCE, AND TRAINING

REQUIRED FOR ALL CHILD CUSTODY INVESTIGATORS/EVALUATORS

I declare under penalty of perjury that I fulfill all education, experience and training requirements required for child custody investigators/evaluators, as follows.

A current copy of my **license to practice** is attached hereto as **Exhibit 1**.

As of **January 1, 2005**, no person shall be a child custody evaluator unless s/he is licensed as a physician, psychologist, marriage and family therapist, or clinical social worker under the applicable California Business and Professions Codes. [*Family Code 3110.5(c)*]

If appointed under **Evidence Code 730**, I declare that I have the appropriate qualifications, special knowledge, skill, experience, training or education and am recognized as an expert in that professional field. I have a license in good standing to lawfully perform this expert investigation (beyond the scope of a customary custody investigation/evaluation) and **I am considered an expert in the field** for which I have been appointed. [*Evidence Code 720 et. seq.*]

My area of expertise is My area of expertise

My scope of practice is My scope of practice

My expertise is demonstrated by:

Description of my experience and training that qualifies me to be an expert in this area.

If appointed under Family Code Section 3110.5(d), a copy of my **master's or doctoral degree** in psychology, social work, marriage and family counseling, or another behavioral science substantially related to working with families is attached hereto as **Exhibit 1.a**. [*Family Code 3110.5(d); Rule 1257.4(j)*]

and

A current copy of my **curriculum vita** is attached hereto as **Exhibit 2**.

and

A copy of evidence of my **completion** or supervision of three (**3**) **evaluations** between 1/1/00 and 7/1/03, or **six (6) evaluations** conducted **in consultation** with another professional who meets the requirements of this rule is attached hereto as **Exhibit 3**. [*Rule 1257.4(f)*]

and

As of **January 1, 1998**, a copy of evidence of my **basic training in domestic violence and child abuse** is attached hereto as **Exhibit 4**. [*Family Code 1816(a) and (b); Rule 1257.1(f)(B); Rule 1257.7(d)*]

This training included:

- The effects of domestic violence on children.
- The nature and extent of domestic violence.
- The social and family dynamics of domestic violence.
- Techniques for identifying and assisting families affected by domestic violence.
- Interviewing, documentation of, and appropriate recommendations for families affected by domestic violence.
- The legal rights of, and remedies available to, victims.
- Availability of community and legal domestic violence resources.

and

As of **January 1, 1998**, a copy of my **certificate** of completion of twelve (**12**) **hours of advanced domestic violence training**, approved by the Administrative Director of the Courts and taken within a 12-month period, is attached hereto as **Exhibit 5**. [*Rule 1257.4(e)(2) and Rule 1257.7(d)(1)(A)*]

This training included, but was not limited to:

- Appropriate structuring of the child custody evaluation process, including/not limited to:
 - maximizing safety for clients, evaluators, and court personnel;
 - maintaining objectivity;
 - providing and gathering balanced information from both parties and controlling for bias;
 - providing for separate sessions at separate time as specified in Family Code section 3113;
 - considering the impact of the evaluation report and recommendations with particular attention to the dynamics of domestic violence

- The relevant sections of local, state, and federal law or rules

- The range, availability, and applicability of domestic violence resources available to victims, including/not limited to:
 - battered women's shelters
 - specialized counseling
 - drug and alcohol counseling
 - legal advocacy
 - job training
 - parenting classes
 - battered immigrant victims
 - welfare exceptions for domestic violence victims

- The range, availability and applicability of domestic violence intervention available to perpetrators, including/not limited to:
 - arrest
 - incarceration
 - probation
 - applicable Penal Code sections

- The unique issues in family and psychological assessment in domestic violence cases, including the following concepts:
 - The effects of exposure to domestic violence and psychological trauma on children
 - The relationship between child physical abuse, child sexual abuse and domestic violence
 - The differential family dynamics related to parent-child attachments in families with domestic violence
 - Intergenerational transmission of familial violence
 - The manifestations of post-traumatic stress disorders in children
 - The nature and extent of domestic violence
 - The relationship or gender, class, race, culture and sexual orientation to domestic violence
 - Current legal, psychosocial, public policy and mental health research related to the dynamics of family violence
 - The impact of victimization
 - The psychology of perpetration
 - The dynamics of power and control in battering relationships
 - The assessment of family history based on the type, severity and frequency of violence
 - The impact on parenting abilities of being a victim or perpetrator of domestic violence
 - The uses and limitations of psychological testing and psychiatric diagnosis in assessing parenting abilities in domestic violence cases
 - The influence of alcohol and drug use and abuse in the incidence of domestic violence

- Understanding the dynamics of high-conflict relationships
- Understanding the dynamics of abuser/victim relationships
- The importance of, and procedures for, obtaining collateral information from probation departments, children's protective services, police incident reports, restraining order pleadings, medical records, schools, and other relevant sources
- Accepted method for structuring safe and enforceable child custody and parenting plans that assure the health, safety, welfare, and best interests of the child, and safeguards for the parties
- The importance of discouraging participants in child custody matters from blaming victims of domestic violence for the violence
- The importance of discouraging participants in child custody matters from minimizing allegations of domestic violence, child abuse, or abuse against any family member.

and

As of **January 1, 1998**, a copy of evidence that I completed **four (4) hours of community resource networking** is attached hereto as **Exhibit 6**. This networking must have been done during the **same 12 month period as the 12 hours of instruction** listed above to acquaint me with domestic violence resources in the geographical communities where the families being evaluated may reside. The dates and specific method of networking is included. *[Rule 1257.7(d)(1)(B)]*

and

As of **January 1, 1998**, a copy of each of my **certificates** of completion of **four (4) hours of in-person classroom update domestic violence training** each year after the year in which the advanced training is completed is attached hereto as **Exhibit 7 (one certificate for every year)**.

The number of hours of training, the number of hours attended, the date(s) of training, and the name of the training provider must be included for each year. *[Rule 1257.7(d)(2)]*

This training was focused on, but not limited to:

- An update of changes or modifications in local court practices, case law, and state and federal legislation related to domestic violence, and
- An update of current social science research and theory, particularly in regard to the impact on children of exposure to domestic violence.

and

As of **January 1, 2003**, a **certificate** of completion of **twenty (20) hours of initial training and education** on the psychological and developmental needs of children and parent-child relationships, child sexual abuse, and the use of generally accepted clinical, forensic, scientific, diagnostic and medical standards, **acquired after January 1, 2000**, is attached hereto as **Exhibit 8**. *[Family Code 3110.5(b)(1); Rule 1257.4(d)(1) and (n)(4)]*

This training covered:

- The psychological and developmental needs of children, especially as those needs relate to decisions about child custody and visitation
- Family dynamics, including/not limited to parent-child relationships, blended families, and extended family relationships
- The effects of separation, divorce, domestic violence, child sexual abuse, child physical or emotional abuse or neglect, substance abuse, and interparental conflict on the psychological and developmental needs of children and adults
- The assessment of child sexual abuse issues required by Family Code section 3110.5(b)(2)(A)-(F) and Family Code section 3118
- The significance of culture and religion in the lives of the parties
- Safety issue that may arise during the evaluation process and their potential effects on all participants in the evaluation

- When and how to interview or assess adults, infants, and children
- When and how to gather information from collateral sources
- When and how to collect and assess relevant data
- When and how to recognize the limits of data sources' reliability and validity
- The importance of addressing issues such as general mental health, medication use, and learning or physical disabilities
- The importance of staying current with relevant literature and research
- How to apply comparable interview, assessment, and testing procedures that meet generally accepted clinical, forensic, scientific, diagnostic, or medical standards to all parties
- When to consult with or involve additional experts or other appropriate persons
- How to inform each adult party of the purpose, nature, and method of the evaluation
- How to assess parenting capacity and construct effective parenting plans
- Ethical requirements associated with the child custody evaluator's professional license and rule
- The legal context within which child custody and visitation issues are decided
- Additional legal and ethical standards to consider when serving as a child custody evaluator
- The importance of understanding relevant distinctions among the roles of evaluator, mediator, therapist
- How to write reports and recommendations, where appropriate
- Mandatory reporting requirements and limitations on confidentiality
- How to prepare for and give court testimony
- How to maintain professional neutrality and objectivity when conducting child custody evaluations
- The importance of assessing the health, safety, welfare, and best interest of the child or children involved in the proceedings.

and

As of **January 1, 2004**, a **certificate** of completion of a total of forty (**40**) **hours of initial training** covering subjects described in Rule 1257.4(e), **attached as Exhibit 9**.

At least **20 hours** of the required education and training must be completed after **January 1, 2000** and **before January 1, 2003**. [*Rule 1257.4(d)(1) and (e)*]

The training, acquired after January 1, 2000, must include:

- Psychological and developmental needs of children and parent-child relationships
- Child sexual abuse
- The use of generally accepted clinical, forensic, scientific, diagnostic and medical standards

If a court-connected evaluator is supervised by a court-connected professional who meets this rule, s/he may conduct evaluations after completing only 20 hours of training, provided the additional 20 hours of training is completed within 12 months. [*Family Code 3110.5(b)(1); Rule 1257.4(g) and (n)(4)*]

and

As of **January 1, 2004**, **certificate of completion** of eight (**8**) **hours of update training**, after the initial 40 hours of training, covering subjects described in Rule 1257.4(e), including psychological and developmental needs of children and parent-child relationships, child sexual abuse, and the use of generally accepted clinical, forensic, scientific, diagnostic and medical standards, plus 4 hours of annual update domestic violence training. [*Family Code 3110.5(b)(1); Rule 1257.4(g) and (n)(4)*]

ADDITIONAL EDUCATION, EXPERIENCE, AND TRAINING FOR MEDIATORS

In addition to the requirements for all child custody investigators/evaluators, mediators must show:

- Evidence of a **master's degree** in psychology, social work, marriage, family and child counseling, or other behavioral science substantially related to marriage and family interpersonal relationships.

[Family Code 3164(b) and 1815(a)(1)]

and

- Evidence of **at least two years of experience in counseling or psychotherapy**, or both, preferably in a setting related to the areas of responsibility of the family conciliation court and with the ethnic population to be served, which results in knowledge of: *[Family Code 3164(b); 1815(a)(2)]*

(1) The **court system** of California and procedures used in family law cases. *[Family Code 3164(b);1815(a)(3)]*

(2) Other **resources** in the community to which clients can be referred for assistance.

[Family Code 3164(b); 1815(a)(4)]

(3) **Adult psychopathology** and the psychology of **families**.*[Family Code 3164(b) ; 1815(a)(5)]*

(4) **Child development**, child **abuse**, **clinical** issues relating to children, the **effects of divorce** on children, the **effects of domestic violence** on children, and child custody **research** sufficient to enable a counselor to assess the mental health needs of children. *[Family Code 3164(b); 1815(a)(6)]*

and

- Evidence of a minimum of **40 hours of custody and visitation mediation training** completed within the first six months of initial employment as a court-connected mediator *[Rule 1257.1(f)]*