

tempts to give a preference for each factor, favoring the Plaintiff, favoring the Defendant, or indicating no preference. These preferences will reflect logical reasoning and will be supported by the facts of the case. After addressing the Child Custody Factors, the evaluator will include a conclusion section, which is a summary of the most important findings. The recommendation itself follows the conclusion.

The recommendation is not based on the number of factors on which each parent is given preference, as information under certain factors may carry more weight than information under others. The recommendation will address custody, a parenting time plan, and the support obligations. The evaluator may also recommend such things as counseling, parenting classes, child transfer locations, specific telephone contact with the child/ren, no use of controlled substances during parenting time or any other recommendation that would benefit the child/ren. In some cases, the report and recommendation may also have a proposed order attached.

The written report is sent to both parents, both attorneys, if any, and filed with the Circuit Court. It is the responsibility of the attorneys along with their clients to decide whether to settle on the case or to have a trial or hearing. Either attorney or either parent, if unrepresented, has the right to subpoena an evaluator to testify regarding the findings of the evaluation. It is up to the court to determine whether or not it will act on each recommendation. If the case goes to trial, it is the judge who makes

the final decision on these matters.

If you are a participant in the evaluation process, you can be helpful in expediting the process by following the instructions given to you and by coming prepared to the interview. Here is a checklist of things to bring with you.

## CHECKLIST

1. \_\_\_ Last 3 paycheck stubs
2. \_\_\_ Last 2 years of federal income tax returns
3. \_\_\_ Child/ren's last report cards
4. \_\_\_ Child/ren's attendance records
5. \_\_\_ Names and complete addresses of references
6. \_\_\_ Police reports involving yourself over the last 3 years
7. \_\_\_ Police reports involving your children over the last 3 years
8. \_\_\_ Children's Protective Services reports involving you and/or your children over the last 3 years
9. \_\_\_ Mental/Physical health records from health care providers over the last 3 years for any relevant condition
10. \_\_\_ Results from any recent drug testing
11. \_\_\_ Signed waivers of confidentiality to all counselors/therapists over the last 3 years
12. \_\_\_ Verification of childcare expenses

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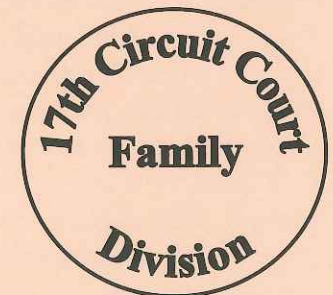


# Custody/Parenting Time Evaluation



## Friend of the Court

*"For Our Children"*



2016

## Custody/Parenting Time Evaluation

Custody and parenting time evaluations (also referred to as investigations or assessments) are initiated after a written order from the Circuit Court. At the discretion of the Court there may be a fee for your custody and/or parenting time evaluation. The Order referring your case to the Friend of the Court office will address the fee amount, how the amount is to be proportioned between the parents and whether or not the fee is waived or reserved. If the fee has been reserved the evaluator may address the fee in their recommendation. The total fee needs to be paid at the Friend of the Court Office, cash or money order ONLY, within seven days from the date of the Order (unless otherwise specified in your Order). If the fee is not paid within the seven days, your evaluation will be TERMINATED. If one parent pays and the other parent fails to pay the fee your evaluation will be TERMINATED. Your evaluation WILL NOT BE SCHEDULED until the entire fee has been paid in full. The parents participate in an initial interview together at which time the evaluator decides whether or not the case will continue to be evaluated, or if the evaluation will be abbreviated. The evaluator will either write a report and recommendation and submit a proposed order, or continue the evaluation process. The report and recommendation may be to terminate the evaluation all together, or it may address limited

issues in the case (Administrative Order 1995-11A). If there is a proposed order attached, you may object within 21 days and request a hearing. If there is no objection, the court will enter the order after the 21 days has expired if it comports with the court's decision.

The purpose of the evaluation is to gather information regarding the best interests of the child/ren as defined in the factors listed in the Michigan Child Custody Act. To this end, an evaluation is conducted that results in a written report and recommendation for the Court.

To begin the evaluation process, both parents are asked to appear at a joint meeting. They are sent case questionnaires in advance, which they are to complete and return to the evaluator (prior to the initial interview) in order to provide the evaluator with basic personal information relevant to the case. Each parent is also asked to provide three references and income information (e.g. tax returns and income stubs). Parents should allow 1-1/2 to 3 hours for the initial interview.

When both parents arrive for the first interview, one of the first things that will occur is the confirmation of important information such as address, telephone number, place of employment, etc. The evaluator will then determine who filed the action that brought them to the evaluation and why, getting a response from both parents. The parents are encouraged to come to an agreement, as this would be in the best interest of all involved, especially the child/ren. If this cannot occur, the evaluation will proceed. The evaluator will attempt to get a complete understanding of each party's interaction with the child/

ren as outlined by the Child Custody Factors. The questions asked by the evaluator may be emotionally difficult to respond to, but keep in mind, the evaluator is a neutral person collecting information about your family. The facts of the case will be considered based on their relation to the child/ren's well being. The underlying motivation for this entire proceeding is to come to a conclusion that is in the best interest of the child/ren.

Following the initial interview, the evaluator will determine what additional information is necessary to prepare a report that will serve the interests of the child/ren. Additional information may include individual appointments, interviews of counselors, teachers, daycare providers or other significant people in the child/ren's life. It may also include mental health or police records, drug test results, psychological testing, home evaluations or reference information collected through written questionnaires. The evaluator may set up interviews with the child/ren depending upon the age and developmental stage. The child/ren will be interviewed outside the presence of either parent.

All of the information gathered from the sum of these sources is then reviewed and applied to the Child Custody Factors. Though the report may not delineate each factor in an abbreviated report, the factors are still considered.

The written report and recommendation begins with general information, legal history, marital history, and positions of both parents. The evaluator then at-