

How To Structure And Write Custody Evaluation Reports

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PUBLISHING 800-553-7678

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INTRODUCTION

There are several things the custody evaluator might want to think about before becoming involved in a custody evaluation. First of all, the evaluator's role must be clarified. A truly comprehensive evaluation would involve observing, testing and interviewing all of the critical participants, including both parents, the children, and any significant others who might spend time with the children. The evaluator would have to obtain data from a host of so-called "collateral informants" (e.g. teachers, pediatricians, mental health professionals, grandparents, neighbors, etc.). A number of documents might have to be reviewed (prior pleadings, court records, and so on).

When the evaluator cannot secure the cooperation of all critical participants, he or she will find him- or herself faced with a limited-critical-participants evaluation. Much care must be taken in such situations. It should be made clear that the data which flow from such an evaluation cannot be used to address the wide range of issues possible with an all-critical-participants evaluation. Of particular importance, is the fact that no information or recommendations can be offered or made on the basis of a limited evaluation, either in a written report or in possible courtroom testimony, that go beyond the scope of the data bases in terms of which such results derive their meaning.

If the evaluator is going to play an even more limited role (e.g., to critique some other evaluation or to perform a research task for one particular side), it should be made clear that this does not constitute a custody evaluation, not even a "limited" one.

While I disagree strongly with those who claim limited-critical-participants evaluations should never be done, I agree with at least some of the intentions of the critics of such evaluations, in that one must be exceedingly careful in this field not to offer conclusions that go beyond the scope of one's data.

(For a more extensive discussion of these issues see Bricklin, 1995, Custody Evaluation Problems and Solutions, published by Brunner/Mazel.)

If the evaluation is not a new or fresh one, it must be determined if there has been what the legal system calls a potential change-of-circumstances, a situation that would allow one to modify or overturn an already existing legal arrangement.

The evaluator should make clear that the usual rules of confidentiality cannot apply in a custody evaluation and that indeed the evaluator will have not only to secure information from other people but also to share information, as when the evaluator asks parent B what he or she thinks of something asserted by parent A. (Further, the evaluation data may be discoverable in some collateral or future legal action.)

Fees and conditions of payment should be discussed.

The "output" end of the evaluation should be discussed. Will there be conferences? Who will attend? Who is entitled to a written report?

The evaluator must make certain (especially in the event of a limited –critical-participants evaluation) that the parent seeking the services of the evaluator has a legal right to do so in the

possible absence of the consent of the other parent. (The full complexity of this issue is beyond the scope of this paper. It involves an intermix of factors from a variety of sources. These would include, first, the clarity with which any particular court decree spells out the rights and responsibilities of each parent. They would also include the clarity with which various jurisdictions, professional organizations and licensing boards have defined legal and physical custody arrangements, i.e., who is "allowed" to do "what.")

There is much debate in our field over whether it is wise for a mental health professional serving as an expert witness to give ultimate issue opinions either in a report or in a courtroom. The ultimate issue in a matter is the issue which must ultimately be decided by the court. In a custody evaluation, this would involve decisions about legal custody and physical custody (the time-share plan).

While the Federal Rules of Evidence and the rules of evidence in many states make it clear that an expert can indeed give ultimate issue opinions, I now believe this is not wise (unless one is particularly instructed by the court to do so). Information bearing on the ultimate issue can certainly be given, but ultimate issue decisions may involve a consideration of matters beyond the scope of an evaluator's tools (e.g., they may involve the conclusionary use of moral or ethical standards).

While we cannot address this issue in detail, a few remarks will be offered on our position. In a custody evaluation, one could say that the main hypotheses under consideration have to do with how legal custody is to be shared (or not shared), and the details of the time-share plan. One hypothesis would state the mother is

the better bet for some roles and the other hypothesis that the father could better serve in this role. It is up to the judge only to be able to reason as follows: "Given the evidence before me, this is the probability I assign to the mother (or father) being the better bet for the parent of choice." A judge can reason: "Given the evidence, such-and-such is the probability a hypothesis is true." That is, it is up to the judge to consider the array of evidence before him or her, rate its credibility, accuracy and relevance, and come to a conclusion as to which parent can better serve in some role.

The proper role of the expert witness is somewhat different. Here, conclusions should be thought of in the following form: "If indeed the mother (or father) is the better bet for a certain role, what is the probability that I would find this particular piece (or array) of evidence?"

Another way of expressing this concept is that the legitimate role of the expert is to ask him- or herself the following question: "Given the truth of some hypothesis, what is the probability I would find the particular array of evidence that was indeed found?" These ideas are expounded upon in much greater detail in the aforementioned book.

This means further that the custody evaluator offers information not conclusions. In our family legal system, a trier of fact is pretty much free to consider an extensive array of factors. There are no guidelines on how to weight or aggregate these factors. Since many of these may have to do with religious and/or moral and/or ethical considerations, there is no real way for the evaluator to use scientific methods to offer meaningful conclusions in such areas. If, for example, a judge believes that

the parent who more regularly enforces religious devotion on the part of the child should be given the nod as primary caretaking parent, there is no clear scientific way I am aware of to interface with such a consideration.

I have heard the "ultimate issue" matter debated at many conferences attended by experienced individuals. Some think that the distinctions made here are nit-picking, and that judges want us to make ultimate issue recommendations. The critics of the position advocated here believe it is a disservice to our system and our expertise not to give ultimate issue recommendations.

The custody evaluator should make sure to gather information from all of the involved attorneys as well as the parents to make sure that the legal issues as well as the scientific issues are understood. It is important to understand the legal criteria that apply in any given state, either by virtue of some statutory guideline or case-law-criteria.

It is a good idea to make friends with a local law librarian and read publications relevant to these matters. Further, state Bar Associations often issue very helpful guidelines

Whenever possible, the evaluator should request that a judge order his or her involvement in a given case and specify exactly what that involvement should be, even in the case of the limited-critical-participants evaluation. If this is not possible, there should be at least a documented effort to secure the cooperation of all critical participants, plus a section of the report that deals with what remains to be done to bring the evaluation to the level of a comprehensive evaluation. (If you are relatively new to this

field, our ACCESS procedure---A Comprehensive Custody Evaluation Standard System---can provide start-to-finish guidance.)

IS THERE AN
“IDEAL”
CUSTODY
EVALUATION
REPORT?

IS THERE AN “IDEAL” CUSTODY EVALUATION REPORT?

A dermatologist told me that when he finally gets to see a patient's skin problem, it has already been influenced by:

- The patient's own home remedies, usually 3 or 4 of them;
- The home remedies of all of the patient's friends;
- The family practitioner.

“What I get to see,” he went on to say, “never resembles anything I learned about in medical school.”

Those of us who struggle daily with custody evaluations often find ourselves in a similar circumstance.

How frequently do we encounter an “ideal” problem situation, i.e., a reasonably cooperative set of parents who agree there should be a single custody evaluation, and a long, richly detailed report, along with a promise to honor the conclusions in this report?

That's right. Not too frequently.

Like the dermatologist, our problem situation is “tainted” and complicated by:

- The absence of any clear and compelling guidelines with which to weight or assign significance to the various legal criteria (e.g., those of the Uniform Marriage and Divorce Act) which have been set forth to guide custody decision-making. (We have

offered elsewhere, in ACCESS 1995, our method of aggregating or weighting data. It essentially does this by considering, for all relevant evidence, the impact certain key parts will have on some specific child at a particular time in that child's development);

- The differences in communication styles and values which led the parent to divorce in the first place;
- The operation of the principle of cognitive dissonance and the self-fulfilling prophecy, such that each parent gets even more entrenched in his and her own positions, which each day are seen as more and more "right;"
- The parental tendency to believe the stories told by children about the adversary parent, most of which are slanted for the child's own reasons, e.g., to "please" the parent the child is with at the moment; to win personal favors, etc;
- Financial factors;
- Vengeance factors, and last, and unfortunately, rarely "least";
- The machinations of some attorneys only peripherally concerned with the child's well-being.

Since there is no "standard" situation, and even more to the point, no standard "best" arrangement (one judge may consider competency factors to be more important than comfort factors, and another judge the exact opposite), it is difficult to create a "standard" or "ideal" report.

As Executive Director of the Professional Academy of Custody Evaluators (PACE), my associate, Dr. Gail Elliot, and I, get to review hundreds of written reports. There is no standard length (or other) format that is followed by highly experienced evaluators. The page length of a report may vary from four or five to about one hundred. The categories used to organize the data are not standard, nor is the degree to which the report seeks to "heal" or "preach," uses blatantly (negative) clinical terms, or seeks to push the participants toward some less adversarial position (e.g., mediation). (In the ACCESS Test Manuals Supplement, 2002, in press, we will argue that too few of us understand a true "family systems" approach, the paradigm we consider most appropriate for child custody issues. One aspect of a system is that the parts of it cannot be torn apart from the system in which one has an interest, and studied or analyzed independently. Family members operate within various family subsystems. The very use of headings like "Mr. Jones," "Mrs. Jones," "Child Jones," etc. shows a failure to understand systems concepts. Such evaluators believe they can study each part independently, and then somehow "add up" the parts to reach conclusions.)

DECIDING HOW TO PRESENT THE EVALUATION DATA

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If we accept the fact that the prime purpose of the evaluation is to create an ongoing arrangement in which there is the best possible match-up between each parent's way of offering parental nourishment and guidance (e.g., love, empathy, discipline, information) and the child's ability to utilize or profit from each style or method of presentation, then we can not assume a long, "factual" report placed in the hands of the concerned adults in advance of a hearing, is the best way to accomplish this.

Since there is no good way to accomplish the latter in the absence of a high degree of willingness to be influenced by the report among all involved adults, there are several factors that should be considered before deciding on an optimum forum for the evaluation findings.

Perhaps the most important factor to be considered in deciding how to present one's evaluation data is the degree of adversarial bitterness that exists between the two parents.

The longer the history of dispute, suspiciousness, perception of unfairness, and the resulting involvement of adversary-oriented attorneys, the greater the challenge for the evaluation writer. For the bottom line turns out to be this: When a bitter, adversary situation exists any length of time, input from anyone who is not a member of a given parent's "camp" is seen as some kind of trick or lie. Even when this input comes from a court-appointed totally neutral evaluator, if the input is not favorable, it is seen as based upon the lies told by the hated other

side. In situations like this, the evaluation report can do far more than report findings.

Another variable, which enters into the mix of that which should be considered before deciding how to present evaluation data, is the degree of trust the involved adults have in psychological data. Here, we refer not only to the parents, but also to the attorneys and prime decision maker (i.e., a judge or mediator). The goal here is to determine the attitudes these critical adults have about psychological data. Here is an important tip: Know the people with whom you deal. If possible, set up fact-to-face meetings. Declare a desire to operate from a non-adversary position i.e., to have both parties split the costs, and agree on a single evaluator (or team of evaluators). If the evaluator employs tests such as the BPS or PORT, it can be emphasized that much of the data in the evaluation will stem from research or data-based sources. If a judge or mediator refuses to talk with the evaluator on the basis that the evaluator has been hired by one particular side, it can be stressed that the desire is simply to learn the kinds of things the decision maker would like to see included in the evaluation. Remember that even though judges try to do their best, they come out of the legal adversary system and often believe the trial-by combat philosophy implicit in the legal process is the best way to arrive at the truth. A psychologist who comes out of the research oriented, statistical traditions of the social sciences should not be misled by a judge who seems more interested in the legal process than the truth. This is what they have been steeped in, that the legal process is the way to arrive at the truth.

When dealing with people who are distrustful of psychological data, the evaluator must be adept at explaining

scientific notions in plain and simple language. Before one can explain something simply, one must understand that thing rather thoroughly.

Here is a sample of the kinds of statements which I include in my report to facilitate trust in psychological data. Keep in mind that this goal is made considerably easier to achieve if one employs data-based tests such as the BPS and PORT. It is much less suspicion-arousing to argue that the meaning of a finding has been established by a statistically-derived data base than from reliance on what one has been told by an adversary participant.

Here, then, is a sample of the kinds of statements which an evaluator who uses a data-based but multiple-sourced approach in the evaluation can write. "Any conclusionary statements offered in this report are based on multiple sources of information in which independently-derived data have all pointed in the same direction. Interview data — what we have been told by one side or the other — are never used as a primary, unsubstantiated source for a conclusionary statement."

"Like an X-ray, a child's nonverbal responses (to tests such as the PORT and BPS) enable us to get a much clearer picture of that child's gut-level perception of his or her parents than one could get by merely interviewing the child. They reflect how a child reacts at a non-verbal level to each parent, much more powerful information than what the child says about each parent."

"Many of the conclusions and recommendations are based on comparisons of your child's test responses to those given by children who participated in a research project which took from two to seven years to complete. There were ample opportunities

for a team of mental health specialists to study these children interacting with their parents. The investigators had the opportunity to decide on the basis of huge amounts of data which of the parents was in fact more frequently able to act in what was defined as that child's best interests. It is from our ability to compare how your child responded to the tests and observations to what was learned in these information-rich settings that we seek to offer the best possible arrangements to provide your child with access to the best skills each parent has to offer."

1. The next factor to consider in deciding how to present evaluation data has to do with how the evaluator came to be involved in the case. Unless this was via court appointment such that the evaluator is seen as truly neutral, special attention must be paid to avoiding the appearance of a "hired gun."
2. Perhaps the most vexing and annoying in-the-courtroom cross-examination issue with which the evaluator must deal, is where the attitude of one (or both) of the attorneys is either running the meter or simply asking as many questions as he or she can get away with that are difficult to answer, whether directly relevant to a particular case or not. This can be accomplished in many ways. First, all of the contents of the case folder will be called for by subpoena. Every single scrap of paper in this folder will be used to generate questions. The questions will be long and detailed. Their aim, however, is not really to generate meaningful information. Their "purpose" is simply to be difficult to answer. This is done by making sure the questions are slightly irrelevant. Irrelevant questions are exceedingly difficult to answer, because they will cover issues about which the evaluator will have never thought. The aim will be to discredit all of the evaluation testimony by making the evaluator appear shaky on

some little piece of it. This is the notorious fishing expedition: Ask as many questions as is possible, especially ones that are only barely "in the ball park" of relevance, and hope that one will be stumbled upon which is very difficult to answer. The single best source of irrelevant questions are test manuals and other "raw" test data (scoring sheets, and so on). The questions sound relevant but really are not. (I was once asked, based on a test manual, to recite from memory a whole series of inter-correlational matrices, the point being that if I were not able to do so, I could not possibly be using the test accurately.)

Psychologists should strive at every level, in the courtroom and in their own professional organizations, to keep raw test data out of the hands of those who would misuse this data. If this proves impossible in some given situation, the judge should be asked to seal the record. This will not prevent fishing expeditions of questionable relevance, but will at least protect test security.

CHOOSING AN OPTIMUM EXPRESSIVE FORMAT

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On the output end, the evaluator has several scenarios to choose among in deciding how to present the data, which comes out of the evaluation. HERE IS AN IMPORTANT REAL-LIFE TIP. Most judges and attorneys, upon receiving a report, go immediately to the Conclusions and Recommendations section. If they do not find useful information here, there is a very high probability they will not bother to read anything else you have written in the report. Such individual decision-makers are likely using their own unique (inner) variation of a Bayesian decision model to come to this behavior: If the new data do not significantly alter their "priors" (what is believed prior to receiving the new information) why spend any time with the new data? In other words, if the proffered information is so vague that a decision-maker cannot see how it directly affects the ultimate issues in a case, the (usually very busy) decision-maker may not choose to spend any time absorbing it.

Here, we find one possible cost-benefit decision to make, which pits the "purist-academic" position (one should not address ultimate issues) against the practical position (addressing ultimate issues is what many judges and attorneys want us to do). We have already given our usual way of handling this i.e., presenting information in the form that addresses the likelihood of finding some array of data given the truth of some hypothesis, rather than addressing the probability of a hypothesis being true, given the data. Each evaluator will have to think about the cost-benefit ratio between any extreme academic-purist position and the practical position of giving detailed recommendations.

**HERE IS ANOTHER IMPORTANT AND HARDLY-EVER
UTILIZED REAL-LIFE TIP.**

If the evaluator believes the main participants demonstrate even the very lowest degree of desire and/or resourcefulness to negotiate (mediate, arbitrate) a custody arrangement between them, there is a powerful strategy the evaluator can utilize in a written report that can greatly enhance these desires.

And that is to break down the “output categories” of legal and physical custody arrangements (education, health, etc) into as many separate and detailed categories as is possible. So instead of referring to a child’s “educational needs,” the evaluator might list (as needing “solutions”) all of the following:

- Who will take the child to school?
- Who will pick him or her up after school?
- Who will be responsible to check homework?
- Who will help with long term assignments?
- How will teacher-parent conferences be handled?
- Who will handle after school events?

This list can be greatly expanded, and this kind of expansion can be done with other categories e.g., interpersonal relations, sports, health/mental health, cultural activities, religious activities, etc.

The strategy is to lead the parent to view the custody dispute as a full-to-the brim treasure-house of choices that can be negotiated and divided up. This provides a much more powerful incentive to negotiate than the winner-take-all context that so often implicitly runs the show from behind the scenes in a custody situation. You want the participants to begin thinking about all the wonderful "gifts" there are that can be shared, rather than that there can only be a winner and a loser.

ESSENTIAL GOALS IN A CUSTODY EVALUATION

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Goal 1. A main goal of a custody evaluation is to present data that suggest a creative plan, which maximizes the child's exposure to the strengths each parent has to offer (and of course minimizes exposure to weaknesses). Our thinking here follows a utilization model. The utilization model would state that in the context of custody decision making, a piece of parental behavior should be seen in terms of the child's ability to profit from this particular piece of behavior. Hence, we seek to maximize the child's exposure to those behavioral patterns on the part of each parent that are of optimal value to the child.

Hence, for example, if a child finds one parent a better and more readily comprehensible source of information than the other, one would seek to maximize the child's contact with this parent in relationship to things such as homework and other forms of education (other factors being equal).

There are other ways of expressing these notions. Every parent has a particular style in the way he or she behaves toward a child, in the way information is offered, in the way love is expressed, in the way explanations are given, in the way limits and disciplines are explained and set, in the way the parent behaves with other people. Each parent has a style of handling emergencies and ways of dealing with the various stresses and strains of everyday life.

It is the evaluator's job to provide the best match-ups possible between these styles, and the ability of the involved children to utilize them optimally. Please note that this model goes

beyond a simple “interaction model” in which it is assumed that stable traits in one person (the parent) interact with stable traits in the other (the child). For example, one child may elicit highly compulsive behavior from a parent while another child may not. The notion of the unique features of a specific dyad is a systems concept.

Goal 2. Regardless of the degree to which an evaluator feels a suggested time-sharing plan is in the child’s best interest, nothing much of a positive nature will happen unless the parents are motivated to cooperate with the plan. Hence, the evaluator should use all of his or her communication skills to insure that the parents believe in the report. All of us who do this work are quite familiar with the fact that we rarely work in an ideal situation. The parents with whom we deal have a history of bitterness and adversarial dispute. Parents who have been able to work out an amicable arrangement based on mutual cooperation rarely proceed to the point where an evaluation is even required. Hence, the parents we work with are those who have not been able to work out a cooperative context. Nevertheless, we must use everything in our power to create a healthier environment for the child. Essentially our job in the evaluation report is to make sure that each party feels thoroughly understood in his or her positions.

- (1) During the information gathering phase, the evaluator should ask many questions about each parent’s concerns.
- (2) The evaluator should use everything he or she knows about making a person feel accepted and understood. This involves paraphrasing the proffered responses so that the respondent knows he or she has been understood. It means

matching the respondent in certain levels of wording (e.g., down-to-earth versus pedantic, degree of seriousness, etc.).

If the evaluator is not certain of the sensory manner in which a respondent is processing information (that is, whether the mode is visual, kinesthetic, or auditory) then it is good to use general purpose responses that cover all possibilities. From time to time, the evaluator would say things like "That seem clear to me" (a visual response) and at other times "That sounds right to me" (an auditory response) and at other times "That feels right to me" (a kinesthetic response). In this way the evaluator is covering all possibilities.

An evaluator must also counteract the iatrogenic aspects of the interview. The iatrogenic aspect comes in with the fact that if a respondent believes the prime data in an evaluation are the lists of horror stories he or she tells about the other parent, this person will rapidly assume the longer these lists are, the better. Hence, each parent will move into the "business" of creating incidents to make the other parent look bad. To combat this, we have to combine two separate processes. One process is to conduct our evaluations in a way that each participant feels thoroughly understood. On the other hand, in the report, we stress that although interviews certainly provide important and useful information, the main conclusions of the report, especially conclusions that have to do with who will have access to the child and what the time limits of these accesses will be, are observation-based and test-based. So called "he said – she said" data, what was told by adversary participants, are never used for first-line conclusions. That is, interview data are only used to help confirm (or negate) information with better-known accuracy rates.

Goal 3. The third goal is to provide motivation for each parent to improve himself or herself in any discovered area of weakness. It is best not to phrase things in a know-it-all way and one should never appear blaming. These goals can be realized by making suggestions in the following forms: "Mrs. Jones might want to experiment with the following kinds of ways of responding to her child to see if she is satisfied that this is helpful. In this way, Mrs. Jones can decide for herself how she would like to adjust her responses to get more favorable results." This wording is far better than any which makes a person feel "wrong" or "blamed" for whatever they currently do.

For example, if the mother is one who yells and hits, the evaluator need not condemn this. It would be smarter to say, "Mrs. Jones can experiment with setting certain kinds of limits and following through with them to see if she is satisfied with the results."

Goal 4. Goal 4 aims to promote self-healing among each participant in the evaluation. This is done with the use of caring and value-free words, and by complimenting all strengths identified. It would also be carried out by complimenting the positive purposes behind even negative behaviors. For example, it could be said: "Mrs. Jones shows a high degree of caring for her child in how upset she typically gets when the child misbehaves." Here, instead of criticizing her for her angry outburst, one acknowledges a positive purpose behind the action. This can then be followed, as mentioned above, with suggestions for trying out different methods.

Goal 5. The aim here is to gain the respect of the judge or decision-maker that will be involved in the custody decision. It is

more difficult, but achievable, to move the opposing attorney into this position. Both goals are accomplished by writing a report that not only is fair, but also is obviously and apparently fair. The evaluator must make sure the report is balanced and shows the strengths and weakness of both sides. If the evaluator is worried that he or she will be criticized for this by the side that hired him or her, it should be explained to them that there are at least two reasons for writing a balanced, even-handed, fair report. One is that if the plan is not really in the child's best interest, it will backfire and not work for anyone, including those who did the hiring (let alone the child, the person for whom all of this is supposed to be happening). Secondly, if the judge sees the evaluator as a "hired gun," his or her testimony will be discounted in its entirety. The evaluator should go out of his or her way to come across in very evenhanded manner. When this is done, the judge will be more predisposed to support the conclusions and testimony of the evaluator. And once this happens, once the judge appears genuinely interested in what the evaluator has to say, the opposing attorney will be forced into this same position. To fail to do so would put this attorney, subtly perhaps, but very definitely, in opposition to the judge. This is a state of affairs attorneys hate like the plague. That is, judges are used to very aggressive attorneys. But if a judge comes to value what an expert is saying, he or she will place greater restraints on attorney aggressiveness.

Goal 6. The evaluation should provide for a continuing forum to monitor the adequacy of the arrived-at-arrangement. This is basically to insure all concerned parties that their worries are being carefully monitored. For example, it is sometimes the case that one parent thinks the opposing parent is mentally unstable. Hence, there is some need to provide continuing feedback

information on this concern, particularly if the overall evaluation shows that this person, the supposedly “unstable one,” is still the most able parent in the sense of the parent deemed most frequently able to act in child’s interests. It is made clear to all that the purpose of the arrangement is to have a neutral third expert available to know about and oversee what is really going on as the arrived-at-plan unfolds. (Please see the paper commissioned by a law review, entitled “Qualifications Of and Techniques To Be Used By Judges, Attorneys, and Mental Health Professionals Who Deal With Children In High Conflict Divorce Cases,” University of Arkansas at Little Rock Law Review, 22(3), Spring 2000.) It is co-authored by my associate, Dr. Gail Elliot.

Goal 7. The “recommendation” section of the evaluation should address, as stated earlier, every concern of each party. There should be at least one specific recommendation, perhaps more, to address each specific concern. The point of stating this as a separate goal is to underline the fact that the evaluator should not assume that because he or she knows that all important worries and concerns are addressed in the report, the readers of the report will realize this.

The fact that a given recommendation addresses one or several of an adult’s concerns may go over the heads of the critically interested parties. Each concern, in the concepts and words of the concerned party, should be addressed by a specific recommendation. Here are some examples.

“Mrs. B is concerned that her ex-husband hits the children too much as a method of discipline. Both parents trust Mrs. G, a mutual friend. It will be her job to inspect the child after the visits to insure there are no bruises.”

"Mr. A. believes his ex-wife does not spend enough time going over their children's homework assignments. It is suggested that they both contact their children's teachers, and set up an arrangement whereby adequate feedback can be given to each."

Goal 8. It must be emphasized that there are no "winners" or "losers" in custody cases. The purpose of the evaluation is to make available to the child the important strengths possessed by each parent. Even one strength can be lifesaving to a child. There are several ways to phrase this.

"Even though Mrs. C. is the primary caretaking parent of the children, it should be emphasized that Mr. C. is excellent at providing detailed explanations on many matters. He takes the time to make sure his children have the opportunity to understand things in their life with attentive detail. It would be wise for Mrs. C. to take advantage of this wonderful skill, and to point out to the children when it would make great sense to have their father review their understandings of critical issues."

Goal 9. The report should employ terms that are neither offensive nor "clinical." The words and concepts should be congruent with the belief systems of all participants.

Suppose, for example, that Mr. D. is harsh and critical in the way he typically communicates with his children. Suppose further that the evaluator thinks Mr. D. would profit from psychotherapy designed to reduce this angry and denigrating behavior. The recommendation might be worded as follows:

"Mr. D. has a very strong desire to help his children behave in ways he believes would be beneficial to them. The test data suggest he could achieve his goals even better if he had the opportunity to review the way in which his own past history has influenced his range of choices. Then he could expand his wonderful desire to be helpful to his children in an even greater variety of ways."

A COMPREHENSIVE CHILD CUSTODY EVALUATION

COMPREHENSIVE CHILD CUSTODY EVALUATION

Major Participants in Evaluation and Dates and Sources of Information

Throughout this paper, the mother will be referred to as "Mother," and the father as "Father." Mother was 27 years of age at the time of the evaluation and Father was 57. Their only daughter, Corinna, was age 5 at evaluation time.

In addition to telephone contacts, the main in-person contact dates for each participant were as follows: *[Here, the evaluator would list the dates. Many evaluators also list the documents that were reviewed, along with the dates each was reviewed. Many also include the number of hours spent in each task, since attorneys seem to be obsessively interested in dates, hours, minutes, and time-lines.]*

Information was gathered from each parent by direct interview, their filling out of extensive, custody-relevant questionnaires, psychological testing, and direct observations. Several different configurations, both in our office and during in-home visits, were used to gather direct observation data, including Corinna in the simultaneous presence of both of her parents, as well as alone with each. This allows us to compare and contrast the child's reactions among different actual and psychological contexts. Each parent was asked to supply us with a list of collateral informants. Hence, multiple sources of data were gathered, following which we sought convergent lines of independently derived information. Highest priority was given to

our data-based direct-observation formats, as well as our data-based tests. Interview data are reported as "information for a decision-maker," and are never used for first-level inferences.

I. Main General Objectives of the Evaluation

The main purpose is to generate information helpful to a decision-maker in deciding about the legal custody of Corinna, and about an optimal time-share plan. The premise of our model, A Comprehensive Custody Evaluation Standard System, or ACCESS, is to make optimally available to a child the best of the assets and resources each parent can offer.

II. Factors Leading up to the Current Evaluation

Father and Mother were married 7 years prior to the evaluation. Corinna was born 1 ½ years later.

Father is a 57-year-old, highly fit and healthy business executive, who began his career as a physicist. After several years of working productively in this field, he moved into a corporate position in the missile defense industry. He is highly regarded in his field, and has been exceedingly successful financially. He is proud of his Latino heritage and how he was able to advance himself in life, first as a scientist and then in the corporate world. He believes he can therefore share with Corinna not just the world of science but also the world of business, which to him means not only business practices, but really the art of getting along with people. He further insists that because he and Corinna can converse in Spanish, they "share a special bond." (Mother is barely fluent in the language.) Because of the nature of his current work assignment and his high placement within the

industry, he is able to say: "I can set my own hours, and even work out of my own home, whenever I want to." He therefore believes his availability to care for Corinna will never be an issue. (Mother does not dispute this.)

Father was married once before, at age 19. Two sons, currently ages 37 and 36, reside in a nearby town, close to their mother. One is a police officer and the other a golf-pro. Father has remained in contact with all three members of his first family, although they spend little personal contact time with each other. His two sons describe him currently in positive terms, although they remember him as a "workaholic" when they were younger, and saw little of him. They have had scant opportunity to observe him interacting with either the Mother in the current evaluation or with Corinna. His first marriage lasted about 10 years. His ex-wife, (as does he) claims they just "drifted apart," mainly because Father was rarely home. The ex-wife says he turned out to be a "really nice guy" who was meticulously honest in providing childcare support, but he "wasn't there for me when we were married."

Mother, 27 years of age, is a college graduate in Art History and has been steadily employed (for almost 6 years) as a Personal Assistant to a world famous female film actor. Her employer "adores" her and has been "highly supportive in the (current) custody dispute." Mother's very close and personal relationship with her employer gives her enormous "clout" not only in the worlds of film and television, but pretty much everywhere. She earns a substantial amount of money, and except for the sporadic need to travel, can carry out all of her job duties either from her own home or her employer's gated mansion, where she is able to be available for Corinna. Other doting members of the

film star's entourage, including servants and nannies, are always available to watch Corinna, when Mother cannot do so directly.

Mother describes herself as having a "down-to-earth personality." She believes she can teach Corinna craft skills (sewing, cooking, artwork, etc.). Mother also sees herself as "unbelievably well organized," a skill she believes got her her current job to begin with, and is responsible for why she has remained so effective in the job. She describes what her job requires this way: "People skills hardly matter. What matters is being extremely organized and having an incredible ability to remember a million details and then making sure they all happen."

Both of Father's parents are still alive and well in Mexico, and although he maintains he has a good relationship with them, rarely sees them or his younger brother, an attorney, who lives and practices in Mexico.

Mother's parents are also alive and well. They reside on the east coast of Canada, as do two older siblings. She rarely sees her family members anymore because of her need to be on-call so much of the time on the west coast. She claims to have always maintained a close relationship with her family.

We see then that neither parent can, at present, offer much of an extended family to Corinna. Further, neither parent is currently involved with any Significant Other or Domestic Partner.

One huge complication in this case is Father's belief that in spite of his current "I can call the shots" job-status, he might soon be asked to relocate to the east coast. He also revealed that if he is not granted sole custody i.e., if he could not take (or petition to

take) Corinna with him to the east coast, he would refuse to relocate.

We will soon list each parent's (self-report) complaints regarding each other.

Basically, both parents agree the troubles began almost immediately. He made no attempt, he claims, to hide the fact that he wanted a "devoted housewife and mother," believing he "lost out on (his first set of children's) childhoods, and did not want this to happen a second time." He reports that Mother's dedication to her job "increased exponentially," until she was "absorbed in it 24/7." Father believes that as she became more and more drawn into the highly glamorous world of show business her capacity to be attentive to his needs as well as the child's needs continually deteriorated.

Mother denies this and says his problem is his highly distrustful and controlling nature. She sees him as jealous of her life-style and of the famous people she gets to meet and interact with.

Here is a list of each parent's perceptions.

- Mother says she believed, unwittingly, that a 50/50 time-share arrangement was workable. (See Section IV for the current plan.) Mother now believes Father is too authoritarian and manipulative for this plan to continue to work. She believes he seeks sole legal and physical custody so he can relocate to the east coast. She listed other complaints.
- He is verbally demeaning to her in front of Corinna.

- He is unable to understand that differing views can be negotiated.
- He is overprotective of Corinna.
- He does not see the need for other children in Corinna's life. (Both parents make this same allegation.)
- He vacillates between overprotectiveness and authoritarianism with Corinna.
- He tells Corinna what to say to Mother on the phone and asks Corinna age-inappropriate questions, e.g., "Do you want to talk to Mommy?"
- He uses speaking to Corinna in Spanish as a way of excluding Mother from the conversation.

Father alleges the following.

- All she really cares about is (her employer) and the band of ass-kissers that follow her around to satisfy her every whim before she even knows she has the whim.
- I don't trust the whole crowd she spends most of her time with. They fuss over Corinna but I have (uncorroborated) evidence that most of them are dopers.
- She is tense and unable to deal with emotions and is not open to others' opinions except for those of her employer or members of her gang.

- She blames me (Father) completely for all our marital problems.
- She often changes her accounts of past events.
- She does not realize Corinna's need for child (not adult) friends.
- She is inattentive to Corinna when she is not in a good frame of mind (four household accidents.)
- When Corinna was an infant, she became nervous and tense when Corinna cried.
- There is no limit to the actions she or her employer will take to "win" an outcome.

IV. Prevailing Living/Custody Arrangement

Corinna is in a half-day kindergarten setting. Her teacher describes her as excellent in all areas, academic as well as interpersonal.

The current custody arrangement is a 50/50 time-share. Corinna spends four days with Father (Saturday from 1 p.m. until Wednesday) one week, and three days with Father the next week (Sunday from 1 p.m. until Wednesday). Mother picks her up from

school on Wednesday and she remains with her until Saturday (week 1) or Sunday (week 2).

V. Current Preference of Parents

Father would like sole custody of Corinna, with visitation for Mother on alternating weekends and one weekday each week. He feels that his job flexibility will make it possible for him to be available to Corinna at all times, and points out that this is not the case for Mother, whose job requires that she always be on-call to travel or handle many last minute crises. According to Father, this lifestyle would prevent Mother from accommodating Corinna's needs and activities. Additionally, although childcare is available at Mother's employer's home, Father points out that it is not known whether all the potential caretakers Corinna would be with while with Mother are qualified and competent. He says this is particularly the case with some of Mother's employer's friends who have had problems with drugs and with the law. Father feels holidays, birthdays and summer vacations should be split equally between the parents to accommodate visits with grandparents and extended family, all of whom live in distant places.

While Mother also feels that holidays, birthdays and summer vacations should be split equally between the parents, she feels that she should have sole custody of Corinna since there is a very good possibility that Father will relocate to New York. She feels that, since Corinna's birth, she has been living in a stable environment in this area and has established connections with children at school, in the neighborhood, and at a regular play group she attends while with Mother at Mother's employer's home. Mother feels Father is inhibiting Corinna in her attempts to

be more independent and making her feel that she always has to look to him for approval of her thoughts and actions.

VI. Information From Other Informants

Following is the information provided by collateral informants. Note well that it is often difficult to assess such data for credibility and accuracy, and that such informants, usually hand-picked by the custody disputants, are typically aligned with one or the other of the parents.

Predictably, all of Father's informants responded with positive comments about his parenting skills and noted shortcomings in Mother's skills, while the exact opposite was true of Mother's informants.

Father's informants said that Mother is often away or suddenly called away on her employer's business so that she has missed several important occasions in Corinna's life (e.g., a school play, a dance recital, etc.), and has caused Corinna to miss many planned activities when she had to cancel at the last minute due to unexpected business commitments. They say that Father has never missed these events and has often rearranged his schedule for them. It has also been reported by Father's informants that Mother's behavior when interacting with Corinna is often distracted, impatient, and generally not "tuned in" to Corinna's needs. One person noted that Mother seemed too casual about things that would typically worry parents (e.g., not checking on other caretakers who would accompany Corinna on a recent camping trip). Some reported that Mother has told Corinna

that Father wants to move to New York and that this has made Corinna worried and frightened.

Mother's informants feel that Father has too many rules for Corinna, that he has been inappropriately stern in handling Corinna's behavior and that Corinna is too worried about pleasing Father. They feel that Father has demonstrated in many ways that he is not supportive of Mother's career. They say he has made belittling remarks about Mother's job and circle of acquaintances at her job, and that he has done this while Corinna was present. He has also argued with Mother in front of Corinna. Additionally, they feel that he does not have much interest in supporting Corinna's friendships with other children her age. That is, he would rather spend time alone with her than allow her time away from him with her friends or even permit her to have friends along when he plans activities such as day trips and skating.

Corinna's current teacher, Amy Rogers, reports that there are no social or behavioral problems at school and that, developmentally, Corinna is on target or even advanced in all areas including cognitive skills, receptive/expressive language, gross/fine motor skills, and skills in reading readiness, writing readiness and math readiness. Ms. Rogers says Corinna has a positive attitude toward learning and is a friendly and enthusiastic class member who exhibits more sensitive and caring behavior toward her peers than one would typically see in a five-year-old. She claims that she has seen no difference in the parenting abilities of Mother and Father. Both have been actively involved in conferences, communications with teachers, transporting Corinna to school, and serving as parent volunteers for trips and activities.

Amos Torrance, M.D., is Corinna's pediatrician. He reports Corinna's health has been excellent since birth and that all development milestones were achieved within normal limits. He reports that both Mother and Father are effective parents and that he sees no difference between them in their parenting abilities. They are prompt and compliant in following instructions and carrying out treatment and both show appropriate judgement in decisions to bring Corinna for treatment. There is no evidence of abuse or neglect.

All mental health professionals who were interviewed qualified their statements by pointing out that their information is based solely (or, in one case, almost solely) on what one or both parents have said or alleged during therapy sessions. (Only one of these, Dr. Isaac Jacobs, saw Corinna two times—once alone with each parent.)

Mother's therapist, Dr. Sherry Moreland, said that, according to incidents related by Mother, Father is manipulative in dealing with Corinna, often forcing her to choose between her parents, and that he is inconsistent in his attempts to discipline her. From Mother's disclosures during therapy sessions, Dr. Moreland concluded that Mother is much more consistent, gentle and patient, helping Corinna work things out by talking to her, and that Mother more than Father fosters independence in Corinna.

Father's therapist for several sessions was Dr. Thomas Hill. Dr. Hill says that Father's disclosures in therapy show him to be an attuned and competent parent who was initially hurt by his wife's escalating involvement with her career and diminished time with husband and daughter, but now wants Corinna to have a

good relationship with Mother and seems interested in learning what he can do to foster it.

During the time immediately following their separation, Dr. Isaac Jacobs saw Father and Mother several times in couples therapy when they were attempting to reconcile. He also saw Corinna two times—once alone with each parent—to observe each one's parenting ability. He reports that both are conscientious in their attempts to be good parents but that there are control issues between them which may interfere with their good intentions at times (e.g., arguments in front of Corinna, a lack of cooperation in planning for Corinna, etc.). In observing each parent alone with Corinna, Dr. Jacobs noted that Mother is a "very laid back" parent who tends to be minimally involved or not at all involved with Corinna's activity. Instead, she becomes absorbed by aspects of a task or activity that are of more interest to her than to Corinna and she may not notice when help or support is indicated. Dr. Jacobs noted that Father is more directive and more involved in instruction and guidance during Corinna's activities.

VII. Specific Methods Used and Areas of Assessment

Our approach seeks to discover not just what parents know and do, but more importantly, the manner in which each parent's range of styles impacts a specific child, given that child's psychological, developmental, and educational characteristics.

While a good comprehensive evaluation uses multiple sources to discern (convergent) lines of information, the credible, accurate, and relevant data to accomplish the above are to be

found in research-derived direct observation sessions and tests especially data-based to yield custody-relevant information.

The following tests and tools, each a separate custody evaluation instrument, are used in combination with each other to conduct a comprehensive custody evaluation called ACCESS (A Comprehensive Custody Evaluation Standard System).

See Appendix A for examples of these instruments.

The Questionnaire CAPS Forms (Child's Access to Parental Strengths) were used to gather extensive data from each parent on many custody-relevant areas.

The Questionnaire Self-Report Data Forms were used to elicit highly personal information about each parent and his/her family of origin.

Specifically designed Collateral Interview Forms were used to obtain information from others, e.g., health/mental health professionals.

Parent and Child Family Interaction Observation Forms were used to guide the attainment of structured, semi-structured and spontaneous observational data derived from and calibrated against information obtained from over 2,000 cases.

The Parent Awareness Skills Survey (PASS) was used to obtain information to supplement our direct observation data from each parent in six separate categories in areas dealing with childcare skills, including awareness of: situationally critical issues; adequate solutions; the need to communicate with children

clearly; empathy; relevant child-background knowledge; the need to pay attention to feedback data to fine-tune one's responses.

The Assessment of Parenting Skills: Infant and Preschooler (APSIP), another tool to supplement observation data, was used to elicit each parent's knowledge and perception of Corinna in many different categories. This tool allows for the evaluation of whether a parent's responses to a particular child are developmentally appropriate for that child and whether those responses meet that child's unique needs. The APSIP assesses a parent's ability to discipline a child, to handle a child's specific fears, crying, tantrums, and individual differences and temperament. It determines the depth of a parent's knowledge of the details of a child's daily routine, including the parent's handling of problems that come up during these routine activities, and knowledge of the child's health and developmental history, school history, and communication style. Some questions on the APSIP assess areas where psychological assistance is indicated because a parent is having difficulty coping.

The Perception-of-Relationships Test (PORT) is a data-based instrument that helps us understand how Corinna experiences each of her parents. It has been validated on more than 2,000 cases. It helps us to understand the degree to which each parent has been the source of psychological assets and/or liabilities to a child, and the degree to which a child seeks to share and exchange contacts of all types with a parent e.g., requests for information, solace, etc. It further helps elucidate how a child experiences functioning within a wide variety of family subsystems e.g., alone with a parent (actually or imagined), within other family groupings, etc. Further, it approaches these assessment goals so that it is possible to compare information derived from a child

wherein he or she is consciously aware of what is being revealed, to ways in which the child is not aware of what is revealed. This helps us to understand the degree to which what a child reveals may be based on bribery, intimidation and attempts to save a parent seen as impaired, as opposed to what is based on actual interactions.

The Bricklin Perceptual Scales (BPS) should only be used with five-year-old children when it is clear they have the requisite skills to comprehend the questions. Corinna has these skills. It measures the “goodness of fit” between a parent and child in 32 different areas, encompassing exchanges of information involving competency skills, emotional support and several others.

The Bricklin-Elliot Home Visit Booklet was used to conduct home studies.

A “traditional” psychological test, the House-Tree-Person Test was given to each parent for two main reasons: to red-flag serious parental psychopathology and to generate hypotheses to help us better understand what we observed to be true in our direct observation sessions

The ACCESS Critical Targets form (derived from statutory law, case law and experts) is used to summarize the collected data.

VIII Family Interaction Observations

Corinna was observed with both parents simultaneously present on 10-26-99, and alone with each during the respective home visits, with Mother on 10-29-99 and with Father on 11-3-99.

The ACCESS scoring system was used. It employs the following categories to assess the nature and quality of child-parent interactions.

1. The parent's ability to meaningfully communicate a sense of safety, warmth and caring.
2. The parent's ability to operate within, and honor, a child's symbol systems (how a child assigns personal meaning to the world) and information-processing strategies (how the child best takes in, organizes, and uses parental communications). The parent who operates within these areas is the more attuned parent---he or she will offer information in ways such that the child can readily take in, assimilate, and effectively utilize it. Note well that the term "symbol systems" includes a parent's ability to understand not just the cognitive/intellectual meaning a child is likely to ascribe to a parental communication, but also the emotional meaning.
3. The parent's ability to directly teach and be a good role-model for competent problem solving.
4. The parent's ability to convey a sense of empathic understanding to the child.
5. The parent's ability to base his or her responses on accurately perceived feedback information. This important skill allows a parent to adjust the flow of ongoing information in terms of how well (or not well) the child is utilizing it.

6. The parent's ability to gauge and address spontaneously emerging needs, e.g., for support, encouragement, direction, etc.
7. The parent's ability to respond in ways that encourage independence in the child.
8. The parent's ability to set limits, when necessary, in an appropriate fashion.

The impact of parental behaviors on children are assessed mainly through non-verbal cues which denote positive affect and/or acceptance and use of proffered competency skills. These signs were formulated and validated in the early 1960's in our creation of the Perception-of-Relationships Test (PORT). They achieved a 90 percent agreement rate with PORT choices in regard to a parent's ability to effectively exchange all forms of information with a given child. Since that time, the PORT has achieved a 90 percent agreement rate with a whole host of independent validating criteria, chosen to reflect the positive congruency in parent-child relationships. These cues include among many others: relaxed and/or smiling facial muscles; leans toward other person; maintains reasonable eye-contact; moves closer or initiates physical contact; willing to ask questions; facial expression is animated and interested; appropriate, relaxed pauses while executing behavioral actions (neither rushed nor hesitant) resulting in smoothly performed actions; open and ready to receive information; willing to explore and take chances; willing to try novel approaches; etc.

Father's attunement skills were superior to Mother's in every category except Category 3, the direct teaching and modeling of

competency skills. But, even here, Mother behaved as though she was mechanically teaching some barely known student. Her words, gestures and facial expressions were chosen as though she was communicating with some emotionally distant, already adult learner. In fact, and this is rare, at no time whatsoever during any observation sessions did Mother even look at Corinna, let alone maintain reasonable eye contact with her. Her emotional tone was always friendly and positive, but she demonstrated little attunement or even awareness that Corinna was even present let alone was her young daughter.

In comparing the number of (mostly non-verbal) signs of positive interactions between Corinna and each parent at the session in which both parents were simultaneously present to those in which Corinna was alone with each parent, we picked up an indication that Father, more than Mother, is doing less to promote Mother's continual role in Corinna's life than would be optimal. Corinna was more hesitant to approach Mother when Father was present than was the case when she was alone with her Mother. This suggests that while, overall, Father has greater attunement skills than Mother, he is (consciously or unconsciously) not doing all he could to support an important role for Mother. This also was suggested in the Perception-of-Relationships Test or PORT. This will be covered later.

The non-verbal signs of positive interactions were also used to address Father's belief that his ability to converse with Corinna in a second language created a "special bond." Observational sessions involving spontaneous and structured tasks were conducted during the home visit to Father's house, one in English and the other in Spanish. Not only were there no differences in the number of positive interaction signs noted between the two

periods, they actually decreased during the session conducted in Spanish. So while it is certainly inherently desirable for a person to be fluent in more than one language, we see no evidence that this creates a “special bond” between Corinna and her father.

IX. Home Visit Information

Within the home, each area or room is assessed for the potential hazards presented there. Each is checked for items stored in cabinets and furniture, such as dangerous tools or utensils, chemicals or drugs, weapons and, in cases where there are very young children, small “chokeable” items. Areas are checked for: electrical hazards such as exposed outlets and frayed wiring; unsecured and slippery rugs; dangerous stairwells, windows or balconies; hazardous blind or shade cords; free-standing furniture or appliances that are top-heavy; hard or sharp surfaces or edges; fireplaces and radiators; and dangerous items in attic or storage rooms. In each case of a potential safety hazard, it is noted whether the parent has shown an awareness of the possible dangers and whether age-appropriate protective measures have been taken (e.g., padding on sharp edges, locks on doors or cabinets, gates across stairs, safety bars on window, etc.).

More general home safety is assessed by checking for: structural hazards; safety hazards and maintenance of heating, air conditioning, plumbing, and electrical systems; lead paint; smoke and carbon monoxide detectors; fire extinguishers, first aid kit and poison antidote; escape plans and ladders in case of fire; posted emergency phone numbers.

The area immediately outside the house and the neighborhood are checked for: traffic patterns; dangerous tools or lawn equipment; outside stairwells; safety of outside play equipment; unusual hazards such as wells, storm sewers, railroad tracks, construction equipment; etc. and the presence of people in the neighborhood who pose a danger (i.e., gangs, drug dealers).

Lifestyle issues include: how parent and child spend alone-time in the home; safe baby sitting and daycare arrangements; appropriate and safe pets; appropriate sleeping arrangements, toys, and homework space; adequate arrangements for preparing for school, getting to and from school, and after-school activities; appropriate meals and medical attention; attention to the child's socialization needs and availability of playmates or friends; home maintenance such as house cleaning; arrangements for contact between parent and the child's caretaker and for alternate care arrangements in case of emergencies while the parent is at work.

Father's home is more child-centered than is Mother's and more neat and organized. Mother's home is "laid-back." Both present minimal safety risks, and both parents seem well aware of them.

We do not see any custody-relevant differences between the homes. Corinna will profit from exposure to each.

X. Supplementary Parental Assessment:

The Parent Awareness Skills Survey (PASS)

Two instruments (the PASS and APSIP) are used to supplement the data received from direct observation. The

Parent Awareness Skills Survey (PASS) illuminates the strengths and weaknesses in a parent's awareness of what to do in response to typical childcare situations. It yields scores in the following areas.

1. The elements one should address – or ignore! – in various situations to bring about positive solutions; a recognition of what we call the critical issues involved.
2. The necessity of selecting strategies adequate to bring about positive solutions.
3. The need to respond in words and actions understandable to the child.
4. The desirability of acknowledging the feelings aroused in a child by various situations; this is a very important skill as it helps a child to cope with real-life situations.
5. The importance of taking the child's past history into account when responding.
6. The importance of feedback data, a recognition that an effective communicator pays attention to whether and how an offered response is in fact coming across to the child.

Father's scores were higher than Mother's in Categories 3, 4, 5 and 6, and they were approximately equal in the first two categories.

XI. Supplementary Parental Assessment: Assessment of Parenting Skills: Infant and Preschooler (APSIP)

Parenting skills were also assessed by a second instrument, the Assessment of Parenting Skills: Infants and Preschoolers (APSIP). Father demonstrated more awareness of all the many details of Corinna's life than did Mother in all categories. His greater attunement skills noted during the observation sessions are confirmed in these data.

XII. Traditional Psychological Test

The House-Tree-Person Test, utilizing the Hammer data base, was used to red-flag very serious psychopathology and to generate hypotheses to account for what we observed directly.

There were no indications of serious psychopathology in either test.

XIII. The Perception-of-Relationships Test (PORT) and Bricklin Perceptual Scales (BPS)

The PORT's formal and clinical scoring items have been continually fine-tuned on more than 2,000 cases. The PORT helps us to understand how a child experiences each of his or her parents as they function in several family subsystems as well as the immediate and near-future implications of these experiences. At the most general level, positive signs point to the degree to which a child seeks to be emotionally close to a parent and his or her ability to comfortably exchange information.

PORT data suggest Corinna, overall, feels closer to and more comfortable with Father than Mother. (By “overall,” we mean in more psychological contexts, e.g., seeking solace, desiring information, etc.). Corinna can access a greater range of interpersonal resources in the real or psychological presence of Father as opposed to Mother e.g., assertiveness, appropriate “feistiness,” appropriate compliance, etc.)

Corinna feels more comfortable when she is alone with Father than Mother, although her response to Task III, in which Father was the parent-of-choice, shows, that so long as Father is clearly in the psychological picture, she values her relationship with Mother.

Her response to one of the PORT tasks (number V), shows she believes Mother supports Father’s roles in Corinna’s life more than Father supports Mother’s role.

The BPS helps us understand how a child assigns “worth” or “value” to the manners in which a parent teaches and models the skills of competency, offers and models behaviors reflecting emotional support as well as other admirable traits (consistency, altruism, honesty, etc.).

The Father’s positive scores exceed those of Mother in most childcare categories.

XIV. The ACCESS Critical Targets

The ACCESS child custody criteria are based on a review of the statutory guidelines of all 50 states, case law, and the

opinions of mental health experts. These criteria include those of the present jurisdiction.

ORIENTATIONAL TARGETS

The probability that the parents (or disputants) can reach agreements on their own.

Based on the history, the parents will require assistance in this area.

Child's psychological, physical, developmental, educational (cultural) status.

Corinna is very bright, well within normal or advanced developmental and educational levels. She is in good medical health. There were, however, significant signs that she suffers from periodic feelings of stress and sadness that would seem to stem both from a few individual parental behavioral patterns, as well as the conflict between the parents.

SKILLS RELEVANT TO PARENTING AND CHILDCARE

The degree to which each parent is aware of: the critical issues involved in typical childcare situations; the necessity of selecting adequate solutions in typical childcare situations; the importance of communicating to the child in words and actions understandable to the child; the desirability of acknowledging the feelings aroused in a child by various childhood situations; the desirability of considering a child's unique past history in deciding

how to respond to typical childcare situations; the importance of considering feedback data in responding to a child.

Father's responses showed greater awareness of optimal ways to handle typical childcare situations than did mothers.

The degree to which each parent is aware of: a child's daily routine; the child's interpersonal relationships; the child's health needs; the child's developmental history; the child's fears; the child's personal hygiene habits; the child's communication style, optimal ways to discipline, handle tantrums and crying, and many other areas.

Father's responses were superior to Mother's.

The degree to which the child seems really "wanted" by each parent.

We operationally define "want" as "differential, attuned knowledge of the child." In other words, a parent can claim to "really want" a child to the extent he or she has taken the time and diligence required to really get to know that child in all possible degrees of uniqueness. Father's responses mirror his greater knowledge of Corinna than do Mother's.

The degree to which each parent congruently offers and models communications to the child so as to engender signs of positive emotional responses in the child e.g., happiness, good self-feeling, etc.)

The degree to which each parent congruently offers and models communications to the child so as to engender signs of

behavioral self-sufficiency (e.g., responses mirroring competency, independence in thought and action, etc.)

These two categories are used to summarize data derived from the family interaction observations. Father achieved higher scores in virtually all categories than did Mother. However, Mother does show good skills in teaching and modeling competency. Further, we were not able to observe, as Father has claimed, any "special bond" that exists between Father and Corinna by virtue of their being able to converse in a second language.

The degree to which each parent has demonstrated child caretaking skills in the past.

Father says they are equal. Mother claims she has been the main caretaker. Father does believe he has a greater appreciation for Corinna's emotional needs than does Mother.

The degree to which each parent can avoid episodes of neglect and physical or sexual abuse; the degree to which each parent and person to whom the child might be exposed under competing visitation arrangements can avoid episodes of any criminal behavior.

See Section III for each parent's account, "Factors Leading up to the Current Evaluation."

The degree to which each parent can avoid episodes of alcohol or drug use that could impair childcare situations.

We have no evidence of such abuse by either parent, but see Section III.

The degree to which each parent is appropriately attentive to adequate childcare responsibilities i.e., the degree to which each parent can avoid episodes of distractibility and/or irritability.

All our data point to Father as having more adequate skills in this area.

The degree to which each parent is aware of his or her own weak spots and vulnerabilities in dealing with children, and the degree to which each parent has developed strategies to cope with these weaknesses.

They appear equal.

The degree to which each parent shows flexibility, honesty, and supportiveness in dealing with the child's other parent and members of his or her family.

Mother would appear to be superior in this area.

The degree to which each parent can provide continuity in all important phases of a child's life e.g., extended family, school, friendships, religious affiliations, etc.

At the present time, extended family members play no significant roles in this case. Neither parent does as much as should be done in promoting Corinna's involvement with like-aged children. Should Father move to the east coast, this would certainly disrupt critical continuities in Corinna's life.

The degree to which each parent can enhance the child's relationship with each sibling.

N/A

The degree to which each parent is available to be with the child.

They are currently approximately equal, although Father may relocate.

The degree to which each parent can provide adequate babysitting, daycare, etc.

They are equal. (However, see father's reservations listed in III.)

The degree to which each parent can provide for the child's material needs. This would include a safe home environment, an appropriate sleeping arrangement, timely meals, etc.

They are approximately equal, although Father's home is more appropriately child-centered.

The degree to which each parent is able to maintain good physical health.

We have no evidence of any serious medical conditions in either parent.

The degree to which a child's consciously stated wishes (if verbalized) should be taken into account.

N/A. Corinna is too young, and has been the recipient of too many confused, self-serving parental messages.

The nature and roles played in a child's life by new domestic partners or "significant others."

Both claim to have no current involvement with such a person.

Some states find it permissible to address such issues as a parent's sexual preference and religion and the role of such issues, if any of these matters be relevant.

We can find no data that make any of these issues relevant.

XV Summary and Issues Needing Resolution

A Comprehensive Custody Evaluation Standard System, (ACCESS), was designed to bring together the judicial criteria of dispute resolution (derived from statutes and case law of all 50 states) and those based on the expertise of mental health professionals so as to yield information for a decision maker that is custody relevant. While no guidelines give clear rules for weighting or prioritizing this information, the ACCESS system, whenever possible, uses research-derived data bases to discern not just what parents know and do, but also to elucidate what impacts parental patterns are likely to have on a given child. Hence our prioritizing principle, whenever it is possible to apply it,

has the concept, "What does this mean to a child?" at its foundation.

Please note that there are three criteria typically used to assess forensic assessment data: credibility, accuracy and relevance. While it is possible to assess interview data for relevance, it is usually impossible to truly check it for credibility and accuracy. Therefore, such data are never used for first-level Inferences, and are reported as "information for a decision-maker." In this way, the decision-maker is made aware of the nature of the allegations that were made by various participants in the evaluation.

Several issues in this case require careful consideration.

One is the issue of the possible relocation of Father to the east coast.

Another has to do with the special type of therapist required in high conflict cases. The usual mental health methodologies not only are ineffectual in such cases, but also have the paradoxical effect of making things worse rather than better.

Finally, we will discuss the special complexities involved in devising a time share plan when the parent who brings the most "positives" also brings an important "negative." We will make the point that the procedure followed by most custody evaluators in such instances i.e., that the aggregation process can be conceptualized as additive—the "outcome number" has a value equal to the sum of the component parts—is flawed. Aligned with the above, we will discuss the special issues involved when two

parents at war with each other may be asked to share legal custody.

We will first address the relocation issue.

Based on an extensive review of relocation-law literature, state statutes, case law, and consultation with mental health professionals, on March 9, 1997, the American Academy of Matrimonial Lawyers proposed a model relocation act. Since this is the most comprehensive document we know of that deals with this complex issue, it will be used as a guideline to organize what data we have that deal with the matter. Please note that this model includes the criteria used in the current jurisdiction. The act suggests the following factors be used to consider a possibly contested relocation.

- 1) The nature, quality, extent of involvement and duration of relationship of the child with each parent.

The nature, quality, and extent of Father's involvements with Corinna are superior to those of Mother's. The other factor seems relatively equal.

- 2) The age, developmental stage, needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development.

Our experience, and available research data, suggest a child of Corinna's age would profit, other things being relatively equal, from contact with both of her parents. What educational and cultural advantages Corinna might gain from the relocation would

likely be seriously compromised by a loss of contact with her mother.

- 3) The feasibility of preserving Corinna's relationship with the non-custodial parent.

Unless both parents relocated, this would not seem feasible.

- 4) The child's preference, considering age and maturity level.

Corinna is too young to express a considered opinion.

- 5) Whether there is an established pattern of the person seeking relocation either to promote or thwart the child's relation with the other parent.

While Father claims he takes no action whatsoever to actively thwart Corinna's relation with Mother, it is clear (at least to us) that he takes obvious and subtle steps to exclude and/or devalue this relation. He may believe (or have believed) such actions are supportable i.e., justifiable.

- 6) Whether the relocation of the child will enhance the general quality of life for both the party seeking the relocation and the child, including but not limited to financial, emotional, or educational opportunity. (We would also include cultural opportunities and access to extended family.)

It is unlikely the relocation would make any significant differences in these areas.

7) The reasons for seeking relocation.

Father's business needs may cause him to seek it.

This model act is quite explicit in what it directs should not be considered in weighing the merits of a proposed relocation.

One of the two items in this category would seem relevant. The act directs that should the person seeking relocation disclose that if he or she does not gain primary custodial status he or she will not relocate, this disclosure will not be used as a weighed factor. Father did indicate that if he is not designated as primary custodial parent, he would not relocate. The act directs that this factor should not be weighed by the decision-maker i.e., the decision-maker should not use this to decide against the relocation.

Next, we want to address the special type of therapeutic help these people require. There is ample evidence that the custody dispute is hurting everyone involved in it.

Recently, in response to a request from a law review, we conducted a research program (published in May 2000), entitled "Qualifications of and Procedures to Be Used by Judges, Attorneys, and Mental Health Professionals Who Work With Children in High Conflict Divorce Cases." We had the opportunity not only to reacquaint ourselves with the existing literature in this area, but also to confer with highly experienced clinicians who work with high conflict cases throughout the country.

While there are some areas of controversy among experts in this field, there is pretty much universal agreement about an

issue that is directly relevant to this case. It is sheer wishful thinking to believe that the details of a time-share plan can solve the problems that need to be solved in most high-conflict situations. Another relevant point about which there is a growing consensus of opinion is that standard mental health techniques which otherwise work very well (e.g., individual psychotherapy, regular family therapy, mediation) not only do not work in these cases, but actually make everything worse. Involved individual therapists end up as advocates, not therapists. Mental health professionals who work in this field must not only be knowledgeable in all the usual areas, but must understand the dynamics of high conflict cases, which includes an awareness of any special personality characteristics of high conflict disputants, the pitfalls of interview data, the roles of unwitting (and possibly deliberate) alienation strategies, and an awareness of the possible need for a didactic, authoritarian approach. There either should be only one exceedingly knowledgeable and specially trained, or at the very least, one team-leader who sets overreaching goals, specific techniques to be used, monitors progress, and makes sure all team members constantly communicate. This person should also know how to elicit data from children in ways that spare them loyalty conflicts, and if the professional also decides to serve in the role of a binding arbitrator, he or she should be an expert in childhood development and education. It is a "given," of course, that none of this can happen without clear orders from the court that these things should happen. Ideally, a way should be built into the plan for the professional to confer directly with the court.

We would next like to address the issue of aggregating (weighing or prioritizing) the information collected during the course of a comprehensive custody evaluation. We have already

mentioned that no legal criteria, neither those derived from statutes or case law, offer any formal model to accomplish this task. Our model, ACCESS, whenever possible, uses research-derived data bases to prioritize information in terms of what it means to a specific child, given this child's way of assigning meaning to the world and his or her developmental and unique ways of processing information (taking in, assimilating and utilizing all forms of information.).

There is another challenge. What should an evaluator do when the parent who brings the most "positives" (as Father does in this case), also brings a serious negative (his devaluing of Mother's role)?

Most evaluators attempt to aggregate data by assuming the gathered pieces of evidence, including assessment parcels, can be handled by an additive process. An additive process is one in which the summation number has a value equal to the sums of the components. In other words, this approach assumes we can, say give Father 10 points and Mother 5 points for attunement skills (since Father is clearly better in this area), and give Father 10 points for childcare knowledge and Mother 7 points in this area (since he is "somewhat" better here), but let us now take away 10 points from Father and none from Mother since she is more supportive of Father's role in Corinna's life than he is of her role. Father's score is $10+10-10$ or 10. Mother's score would be 12.

But such scores, if they existed, are not really additive. An additive model makes no sense in a custody case, where the aim is not merely to protect a child from parental flaws but mainly to make available to a child all the assets and strengths each parent can offer.

Such goals must often be approached as though each was a separate and distinct endeavor.

Hence, the time-share plan to be suggested gives Father more time with Corinna than it gives Mother. His emotional attunement to Corinna is vastly superior to Mother's, and while Mother's competency skills are strong, Father's are better. Mother should, however, share significant amounts of time with Corinna.

We suggest that the "negative" Father brings be addressed by the powerful alliance of a proper therapeutic plan combined with an aggressively purposeful attitude toward the accomplishment of this goal by the court.

The overall plan, therefore, maximizes Corinna's exposure to the best of what each parent has to offer, and at the same time minimizes her exposure to weaknesses.

Before returning to the issue of such a therapeutic plan, designed not only to reduce conflict, but to help Father realize the importance to Corinna of Mother's role in Corinna's life, we suggest the following time share plan. (The issue of legal custody will be addressed later.)

During the school year, each parent should have Corinna on alternate weekends, picking her up after school or daycare on Friday and returning her to school on Monday morning. Corinna should reside with Father on Monday, Tuesday, and Wednesday of each week and with Mother on Thursday each week. On his or

her day with Corinna, the parent should pick her up after school or daycare, and return her there at the end of her stay with that parent. In other words, Father would return her to school on Thursday mornings following her stay with him and Mother would return her to school on Friday mornings, following the night spent in Mother's home.

During the eight-week summer vacation, the suggested school year time-share plan should remain in effect. Additionally, each parent should have two weeks (consecutive or nonconsecutive) vacation time with Corinna. These vacations should be planned and scheduled six months before the school year ends so that travel plans, special summer activities and summer camp plans for Corinna can be coordinated. The fourth of July should be alternated between the parents yearly. The parent whose year it is to spend that holiday with Corinna will have her overnight on the nights of the third and Fourth of July, and then the schedule will revert to the regular time share plan on the morning of July fifth.

Holidays and vacations during the school year should be divided equally between the parents and alternated yearly. Concerning the four major three-day weekend holidays, during year one Father could spend Martin Luther King Day and Memorial Day weekends with Corinna, while Mother has Corinna on President's Day and Labor Day weekends. In year two, this pattern would be reversed.

A split of the Christmas vacation could place Corinna with one parent on Christmas Eve and during the last half of the vacation and with the other parent on Christmas Day and the days following Christmas (i.e., the first half of the vacation). A similar

sharing of Easter Sunday and the rest of the spring break could be worked out, with the parents splitting the day before Easter and Easter Sunday and equally dividing the remainder of the spring break. The Thanksgiving holiday should be equally divided between the parents, with one having Corinna for the first half of the vacation and the other having her for the second half. For all of the above holidays (Christmas, Easter, Thanksgiving), the schedule should alternate yearly so that the parent who has Corinna during the first half of the vacation during year one has her for the second half of the vacation during year two.

Corinna should spend the evening of a parent's birthday with that parent, if that person is not the custodial parent on that day. Each parent should have Corinna on her birthday in alternate years.

Both parents have in the past taken business trips alone (i.e., without Corinna), and this may occur again. If such future trips, whether for business or pleasure, are not used to give Corinna the opportunity to visit with grandparents or extended family, then the other parent should have the opportunity to have her stay with him or her. In other words, Corinna should not be left with a hired babysitter if the other parent is available to care for her.

It is recommended that the parents have continued contact (two or three sessions twice a year) with a mediator in order to fine-tune the details of the time-share plan. In other words, there may be a number of scheduling issues on which the parents agree and which differ from the above proposal. These may be implemented with the help of a mediator. There will also be many as-yet-unanticipated issues on which the parents may not agree

(e.g., extracurricular activities, special family celebrations and holiday traditions, various kinds of lessons and sports activities, special educational needs, scheduling conflicts, religious training, medical and dental issues, etc.). For these, mediation should shift to a process of binding arbitration in which, if the parents still do not agree after mediation, the mediator makes the final decision based on what is best for Corinna. The mental health professional selected to serve as mediator should not only be an effective mediator but should demonstrate very considerable expertise in child development and both regular and special education since this person could be making binding decisions concerning Corinna. These qualifications not only serve Corinna's best interests but also serve to instill confidence in the parents concerning decisions made by the mediator on issues where there is serious disagreement. In other words, it will be easier for the parents to accept the decisions of someone who has a great deal of knowledge and experience concerning almost all aspects of children's lives and who, therefore, will not be viewed as someone operating from ignorance or a particular bias. This mediation plan, which has proved successful in many other cases, should be implemented both in the interest of protecting Corinna and to avoid further and needless litigation.

The therapist chosen to be either the sole person who will work with all members of the family, or who is designated the overall therapeutic coordinator, should be skilled in all of the following areas: child development, educational issues, family dynamics, psychopathology, effective parenting techniques, the effects of divorce and remarriage on children and parents, time share plans, specialized and relevant assessment tools, and ethical and legal issues in child custody cases. Such a person must be especially aware of the patterns and manipulations

engaged in by high conflict custody disputants as well as the perils of interview data. He or she should know how to elicit non-verbal assessment data from bribed, intimidated or manipulated children and/or children trying to save a parent seen as impaired. (Usually, there are exceedingly few professionals in any given area who possess the requisite skills needed to deal with high conflict disputants.)

A time period can be set in which the court orders that certain clearly defined outcomes be met. Such outcomes should be spelled out in IEP-like clarity e.g, no instances of Father devaluing Mother in Corinna's presence, no instances of putting Corinna in a "parent" or "chum" or messenger role, etc. The team leader will assess progress and fine-tune the therapy. He or she will be empowered to report directly to the court.

This case may also require the contribution of a parental monitor who is skilled in the issues surrounding drug and alcohol abuse. This person (who should be paid for by Father), may have to be judicially empowered to make unannounced visits at Mother's house, to determine if Father's worries about such practices are warranted. Hopefully, Mother, instead of being insulted and angered by such a plan, can be assisted to realize that such a plan is really in her own best interests, since it will allow everyone to see, if this be the case, that the allegations are unjustified. In the absence of a monitoring plan, these worries and allegations may continue to arise.

Finally, we would like to recommend that the parents, along with the liberal amounts of time it is suggested that each parent spend with Corinna, also share legal custody.

We are well aware of the caveats raised against this recommendation, when the level of interparental conflict is high.

First, there is at least some research evidence that it can be detrimental to children who spend nearly equal amounts of time going back and forth between high conflict parents. Second, many writers have cautioned that shared (physical and sometimes even legal) custody should only be recommended when each parent desires this, and the level of cooperation between the parents is high.

Also, we are well aware of the three conditions cited that are used to argue against shared legal custody (blatant psychopathology in one parent; poor logistics; parents have low levels of agreement, especially about child-rearing practices). Although points 1 and 2 do not apply in this case (unless the court gives Father sole legal custody and permits him to relocate – positions with which we do not agree), point 3 does apply.

Our basic premise here is that we deal with two intelligent, healthy (in all respects) parents, who once past the rancor of the current dispute, will respond well to the plan suggested— provided that the proper mental health professionals guide it. We believe neither parent is so pathologic that either would permit Corinna to sustain psychological damage as a worthwhile price to pay in return for the destruction of the opposite parent. The plan keeps both parents actively involved in Corinna's life in proportion to what each has to offer. And while courts have a right to feel leery about shared legal custody when conflict is high, fearing, as they do, endless litigation, it should be mentioned that there is a tool available to mitigate this fear: binding arbitration performed by a mental health professional trained in the areas we have previously listed.

Summarizing, ACCESS research-based data and general information suggest that the parents share legal custody, and that while Father's parental attunement skills are, so far as Corinna is concerned, superior to Mother's, a liberal time share plan for each is suggested.

END

**PARENTING
AGREEMENTS/PLANS:
EVERYTHING YOU NEED
TO KNOW**

PART I - Parenting Plans

A Parenting Plan is a formal statement of how the needs of children are going to be met after divorce.

Most fully implemented in the US state of Washington, these plans are attracting increasing attention in many parts of the world as more jurisdictions move from emphasizing parental rights to encouraging parental responsibilities.

Typically parenting plans cover important areas such as:

- Residential and child care arrangements**
- Time spent with each parent and the wider family**
- Financial arrangements**
- Recreation and holiday arrangements**
- Resolution of conflict**
- Education and religion**

Shared Parenting Arrangement – Guidelines for Parents

Parents need to reflect carefully on the respective needs of their children and their own parenting resources, as Shared Parenting may not work for everyone.

The following guidelines can be used to determine whether or not Shared Parenting is suitable for your family.

Divorce often involves hurt and angry feelings. Sometimes these feelings can make it difficult to work together as parents. Professional counseling may be necessary to assist you in resolving these feelings.

Hopefully the hurts and angers of the divorce will not last forever and the two of you will be able to find a new way of working together and a 'new way of being related'.

The family does not end with a divorce, and its functions, such as parenting, continue. Shared Parenting allows for the responsibility of parenting to be shared.

The end of marriage does not mean the end of the parental relationship. An unworkable marriage does not necessarily result in an unworkable parenting relationship.

The best interests of children are met when parents can work together in carrying out their responsibilities of raising the children together.

Children need a relationship with both parents. Shared Parenting sets the stage for the parents to be involved in the lives of their children.

Raising children is a full time responsibility. Shared Parenting allows for that responsibility to be shared without over burdening one parent, as often happens in sole custody, or by not giving enough responsibility, as may occur with the visiting parent.

Parents have different assets that are important to their children. Shared Parenting can allow parents to combine their child rearing skills and more completely meet the needs of their children.

Shared Parenting requires a plan for day to day care that fosters stability. Some children can handle equal times with each parent; other children need a more central residence.

Both parents have a right and a responsibility to make decisions affecting their children. Parenthood is a privilege that involves responsibility. It is that sense of responsibility that strengthens the ongoing attachment between parents and children.

Shared Parenting is not for parents who are enmeshed in marital battles and who are unable to find a reasonable way of working together. Counseling may be necessary to develop a co-operative relationship. Shared Parenting is not workable when parents are using it to meet their own needs and are unwilling to consider the children's needs.

Shared Parenting Arrangement – Things to Consider

A written Shared Parenting agreement may be helpful in setting the stage for a successful co-parenting relationship.

The following items are matters you should consider in planning your agreement. Because individuals' lives and children's developmental needs continually change, an agreement must be flexible and allow room for adjustment.

A Definition of Shared Parenting

It is the intention of parents who agree to Shared Parenting that each of them shall continue to have a full and active role in providing a sound social, economic, educational and moral environment for their children. Parents need to consult with one another on substantial questions relating to educational programs, religious upbringing, significant changes in social environment, and health care. Parents need to exert their best efforts to work co-operatively in making plans consistent with the best interests of the children and in amicably resolving disputes as they arise.

Residential Considerations

Specific periods of time with a given parent may need to be defined. Shared Parenting, in and of itself, does not

determine the amount of time a child spends with either parent, but does imply that a child has access to each parent for enough time to allow the relationship to be meaningful and not superficial. Some children alternate between parents' homes on an equal time basis. Other families have a more traditional arrangement where children spend the week with one parent and weekends with the other parent. Children's ages and school situations, as well as parents' employment and availability must be considered in planning an appropriate physical custody arrangement.

Parental Responsibility

When the children are in the actual physical custody of a parent, that parent shall have the responsibility for seeing that the minor children are fed and cared for properly and taken to school. That parent shall take responsibility for meeting medical and dental emergencies.

Financial Arrangements

Parents will need to arrange for the financial support of the children. Some parents agree to share this equally while others may pay the costs as they arise and pro-rata more substantial costs such as medical, school and clothing, according to income. Parents may agree to contribute money on a pro-rata basis into an account which is used to provide this support for the children. Other Shared Parenting families provide regular support payments to each other according to the amount of time a child spends with them and in proportion to their income.

Tax Deductions

Parents may choose to split the tax deductions between them if there is more than one child, alternate the deductions on a yearly basis, or grant the tax deduction to the parent having the children for the greater amount of time. Your lawyer can provide information about these tax consequences.

School Year Provision

Parents may wish to agree that the children remain in the same school for that school year, to allow for continuity, or that they will negotiate the residence of the child before the up-coming school year.

Vacations

Parents may provide for taking the children on vacations or for the children to be with the other parent when one parent is on vacation.

Insurance

Parents may share insurance costs or designate a parent who will provide comprehensive health and medical insurance and name the children as beneficiaries of life insurance.

Medical Needs

The parent having actual physical custody of the children at any point in time shall take responsibility for meeting medical and dental emergencies.

Both parents need to discuss the general health care needs of the children and to advise each other of illnesses and treatment requirements.

Relocation of Residence

If either parent desires to move out of the area, the parents should discuss this in advance and adjust the Shared Parenting agreement accordingly.

Geographic separation does not preclude Shared Parenting, but it does necessitate changes in how the children spend time with each parent, and day-to-day decision making.

Conflict Resolution

Conflict is natural and normal. It occurs in families that live together and it is going to occur in divorced families.

It is helpful to provide a method for resolving conflict before it occurs. Parents may wish to agree on an individual or an agency that will assist them in resolving disputes rather than in turning to the courts or abandoning the Shared Parenting arrangement. Should an issue need to be resolved by a judge, it is helpful to have designated the location of the court having jurisdiction.

Adjusting the Agreement

A Shared Parenting agreement should be flexible, to allow for the changing needs of both children and parents. Parents may wish to include a provision that the Shared Parenting agreement be reviewed on a periodic basis and that the agreement can be changed with the consent of both parents.

PART II – Model Parenting Agreement

Instructions

This form was developed to help parents reach agreement on important issues concerning their children. It covers many issues that parents may not think about when making custody decisions. The form may be used in a divorce case, a dissolution, a custody case between unmarried parents, or an action to modify an existing custody order.

If you want this agreement to be part of your custody order, you must file it with the court. If the judge approves your agreement, it will become part of the custody order in your case.

The form offers you many options for arranging your children's custody and care. Fill out the sections you agree will apply to your children and you. In each section, you can pick one of the choices that is offered, or you can write your own arrangement in the space marked "Other." If you need more space, you can attach additional pages. (If you continue on a separate page, you need to make it clear which section of the agreement that you are writing about (for example: *"Continuation of agreement on vacations and travel by children – Sec. 4.4"*).

You can fill out the form by hand. Be sure to print neatly in black ink.

Each parent must sign the form in front of a notary public. A court clerk can provide this notary service for you when you file this agreement with the court.

You must bring a photo ID with you for the notarization.

If you have attached additional pages to the agreement, you should write the name of the document, the case title, and the case number in the bottom left corner of each page.

PARENTING AGREEMENT

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PARENTING AGREEMENT

1. Parents Name and Address

Dad _____

Mom _____

2. Child(ren) Name	DOB	Age	School
Child 1 _____			
Child 2 _____			
Child 3 _____			
Child 4 _____			
Child 5 _____			

(Attach another page for additional children.)

Note: This Parenting Agreement offers you many options to arrange your child(ren)'s custody and care. Fill out the sections you agree shall apply to your child(ren) and you. Consider what will happen if a parent moves. Each section gives you choices or you can write in your agreement in the places marked "Other." If the judge approves your agreement it will become a court order.

3. Legal Custody. The responsibility for making major decisions affecting the child(ren)'s welfare including major medical decisions, educational, legal and religious decisions.

3.1 We agree that legal custody of our child(ren) shall be: (*choose one*)

☐ shared legal custody. We have the ability to communicate and make joint decisions regarding our child(ren)'s major medical, educational, legal and religious decisions that shall be in their best interest.

☐ shared legal custody. Most of the time, we have the ability to communicate and make joint decisions regarding our child(ren)'s major medical, educational, legal and religious decisions that shall be in their best interest. However, after consultation with each other, if we are unable to decide an issue,

☐ Dad

☐ Mom

shall make the final decision.

3.2

☐ We agree that legal custody of our child(ren) shall be with Dad Mom. This parent shall keep the other parent advised of our child(ren)'s health status, education, grades, activities, legal and religious matters. This parent shall list the other parent on all forms and registrations as a parent and "emergency contact" person.

4. Physical Custody. The responsibility for the physical care and immediate, day-to-day supervision of the child(ren).
(*choose either 4.1 or 4.2*)

4.1

☐ **Shared Physical Custody:** We have the ability to communicate and coordinate with each other to provide for our child(ren)'s physical care on a day-to-day basis. The schedule set forth below (in Sec. 5 and/or 8) shall be the shared physical custody schedule for our child(ren).

4.2

☐ **Primary Physical Custody:** Our child(ren)'s needs can best be met by primary physical custody being with Dad Mom and the child(ren) spending time with Dad Mom for visitation as set forth on the schedule we have chosen below (in Sec. 5 and/or 8).

4.3 School Calendar. *(choose one)*

☐ No later than April 1 of each year, Dad Mom shall obtain the school calendar for the next year and shall mark it with Dad's time and Mom's time for the school year, holidays and summer under this agreement and give a copy to the other parent. The parents shall discuss any differences by May 1 and the parents shall reach an agreement or use the dispute provisions (Sec. 16) by June 1.

This is the calendar that will be in effect for the following year. No later than _____ (date) of each year, Dad Mom shall obtain the school calendar for the next year and shall mark it with Dad's time and Mom's time for the school year, holidays and summer under this agreement and give a copy to the other parent.

The parents shall discuss any differences by _____ (date) and the parents shall reach an agreement or use the dispute provisions (Sec. 16) by _____ (date). This is the calendar that will be in effect for the following year.

4.4 Conflicts in Scheduling.

Sometimes "holiday time" may conflict with time set aside for the other parent. When this happens, the holiday time shall be observed over all other schedules. For example, if it is Mom's alternate weekend, but Dad's Labor Day weekend, Mom shall lose her weekend.

Other:

5. Parents Living in Same Community - Custody Schedule.

5.1 Parents Living in Same Community: Regular Schedule - Infants to Age 3 (or Older).

Our child(ren) shall be with Dad Mom at the times listed below and with the other parent at all other times. *(choose one)*

- ☐ Tu/Thurs Eve and Sat overnight
- ☐ Tuesday 4pm-7pm
- ☐ Thursday 4pm-7pm
- ☐ Saturday 10am-Sunday 10am
- ☐ Tu/Thurs Eve and Sat overnight

- [] Tuesday 5pm-7:30pm
- [] Thursday 5pm-7:30pm
- [] Saturday 10am-Sunday 10am
- [] Wed overnight/Sat overnight
- [] Wed 5pm-Thursday 9am
- [] Sat 12noon-Sun 6pm
- [] Wed/Fri eve and Sat overnight
- [] Wed 5pm-7:30pm
- [] Fri 5pm-7:30pm
- [] Sat 5pm-Sun 6pm
- [] Wed eve/Sun daytime
- [] Wed 5pm-7:30pm
- [] Sun 1pm-4pm

Note: Physical custody requires a plan for day-to-day care for child(ren) that fosters stability and predictability. Some child(ren) can handle frequent changes with each parent and other child(ren) do better with a central residence. You must consider your child(ren) and what will help them get enough sleep, be prepared for and participate in their school actively, have routine meals and hygiene care, and receive nurturing and parental supervision. Some child(ren) spend school days in one home and weekends in the other, some spend more time in the summer in one home and school time in the other, some alternate between homes on a regular schedule. The child(ren)'s age and individual needs and school situation should be considered. Also, the parent's work schedules and availability to provide transportation and supervision may be factors.

Supervised visits

The supervisor shall be (person/agency)Future:

This custody schedule shall remain the same as our child(ren) get older unless we agree to modify it or a court modifies the custody.

The custody schedule below in Section 5.2 shall apply when our child(ren) are older. The custody schedule shall change at the following time:

If one of us moves, the custody schedule in the "Different Communities" part of this agreement (Sec. 8) shall apply unless we agree differently or a court order modifies the custody.

5.2 Parents Living in Same Community: Regular Schedule - At Least Age 3 thru School Age.

Our child(ren) shall be with Dad Mom at the times listed below and with the other parent at all other times. If we have chosen a weekend plan below, then any "no school" days, such as teacher in-service days, go to the parent with that weekend.

☐ Alternate weekends:

☐ Alternate weekends of Friday 6pm to Monday am/school.

☐ Alternate weekends Friday 6pm to Sunday 6pm.

☐ Alternate weekends Saturday 10am to Sunday 6pm.

☐ Alternate weekends from: _____ to _____

☐ Three full weekends a month: ("Full weekend" means a weekend with a Saturday and Sunday in that month.)

☐ First three full weekends of every month from Friday 6pm to Monday am/school.

☐ First three full weekends of every month from Friday 6pm to Sunday 6pm.

☐ First three full weekends of every month from Saturday 10am to Sunday 6pm.

☐ First three full weekends of every month from:

☐ Every weekend:

☐ Every weekend from Friday 6pm to Monday am/school.

☐ Every weekend from Friday 6pm to Sunday 6pm.

☐ Every weekend from Saturday 10am to Sunday 6pm.
Every weekend from:

☐ Alternate weekends plus weeknight:

☐ Alternate weekends from Friday 6pm - Monday am/school plus every Wednesday 6pm - 8pm.

☐ Alternate weekends from Friday 6pm - Sunday 6pm plus every Wednesday 6pm - 8pm.

☐ Alternate weekends from Saturday 10am to Sunday 6pm plus every

☐ Wednesday 6pm - 8pm.

☐ Alternate weekends from: plus every Day visits only:

☐ Every Saturday from 10am to 6pm.

☐ Every Sunday from 10am to 6pm.

☐ Every (day) from (time) to (time).

☐ Other:

☐ Split every week:

☐ Dad Mom from Saturday at 6pm to Wednesday after school and the other parent from Wednesday after school until Saturday 6pm.

☐ Dad Mom from Sunday 10am to Wednesday after school and the other parent from Wednesday after school until Sunday 10am.

☐ Other:

☐ Alternate weeks in each home:

☐ Alternate weeks in Dad's home and Mom's home with exchanges every Friday at 6pm.

☐ Alternate weeks in Dad's home and Mom's home with exchanges every (day) at (time).

☐ Other:

☐ Alternate two weeks in each home:

☐ Alternate two weeks in Dad's home and Mom's home with exchanges every Friday at 6pm plus alternate Friday night from 6pm to Saturday noon with other parent.

☐ Alternate two weeks in Dad's home and Mom's home with exchanges every Friday at 6pm plus alternate Friday night from 6pm to 10pm with other parent.

☐ Alternate two weeks in Dad's home and Mom's home with exchanges every (day) at (time) plus alternate (day) from (time) to with other parent.

5.3 Parents Living in Same Community: Summer Schedule - At Least Age 3 thru School Age.

☐ Same schedule as school year: The same schedule shall continue through the summer.

Note: Alternate weeks or alternate 2 weeks in each home are generally too long away from each parent for child(ren) below about age 6.

☐ The same schedule shall continue through the summer except that either parent may travel with the child(ren) for up to 15 days for a vacation with notice to the other parent at least 30 days in advance and a schedule, location and telephone numbers provided at least 10 days before travel.

☐ Other:

☐ Opposite schedule as school:

☐ The summer schedule shall be the exact opposite of the school year schedule for Dad's time and Mom's time.

☐ The summer schedule shall be the exact opposite of the school year

schedule for Dad's time and Mom's time except that either parent may travel with the child(ren) for up to 15 days for a vacation with notice to the other parent at least 30 days in advance and a schedule, location and telephone numbers provided at least 10 days before travel.

☐ Other:

☐ Divided summer: Dad Mom shall have the child(ren) from one week after school is out until July 15th and Dad Mom shall have the child(ren) from July 15th until one week before school starts. The other parent shall have reasonable visits arranged between the parents during the summer.

☐ Dad Mom shall have the child(ren) from the time school is out until (date)_____ and Dad Mom shall have the child(ren) from (date)_____ until school starts. The other parent shall have reasonable visits arranged between the parents during the summer.

☐ Dad Mom shall have the child(ren) from one week after school is out until (date)_____ and Dad Mom shall have the child(ren) from (date)_____ until one week before school starts. The other parent shall have the child(ren) every week from Wednesday night at 6pm to Thursday morning.

☐

Other: _____

5.4 Parents Living in Same Community: Winter School Break (Christmas).

Definition: Winter Break is 6pm the last day of school until 6pm the day before school starts again.

Winter Break is defined

as: _____

Note: Consider that this school break is not exactly the same dates every year and may be as short as 12 days to as long as 20 days. Check your child(ren)'s school calendar each year. Consider whether you want your child(ren) to have the traditions of having things the same every year, such as Christmas Eve with one parent and Christmas Day with the other parent, or if you want them to rotate so that Christmas Eve and Christmas Day are different every other year for you and for them.

☐ Regular schedule or one parent: (whichever parent the child(ren) are with that year under our regular custody schedule) shall have all of Winter Break.

☐ Dad Mom shall have all of Winter Break every year.

☐ All of break alternate years:

☐ Dad Mom shall have all of Winter Break in even odd years.

☐ Dad Mom shall have all of Winter Break in even odd years.

☐ One-half of break:

☐ Dad Mom shall have first half of Winter Break every year and

☐ Dad ☐ Mom

shall have second half of Winter Break every year.

☐ Dad ☐ Mom shall have first half of Winter Break in even years and

☐ Dad ☐ Mom shall have the second half of Winter Break The schedule shall be the opposite in odd years.

☐ Christmas Eve/Christmas Day: the schedule chosen above shall apply. in addition to the above schedule, the following applies:

☐ One parent Christmas Eve, one parent Christmas Day - same every year:

☐ Dad Mom shall have the child(ren) from 10am until 10pm Christmas Eve and Dad Mom shall have the child(ren) from 10pm Christmas Eve until 6pm Christmas Day every year.

☐ One parent Christmas Eve and one parent Christmas Day - alternate years:

☐ Dad Mom shall have the child(ren) from 10am until 10pm Christmas Eve and Dad Mom shall have the child(ren) from 10pm Christmas Eve until 6pm Christmas Day in even years. The schedule shall be the opposite in odd years.

☐ One parent both Christmas Eve and Christmas Day - alternate years:

☐ Dad Mom shall have the child(ren) Christmas Eve from 10am to Christmas Day at 6pm in even years. The schedule shall be the opposite in odd years.

☐ Other:

Travel during Winter Break:

☐ Either parent may travel with the child(ren) during their time under the above schedule.

☐ Dad ☐ Mom may travel with the child(ren) for the entire Winter Break in even years. Dad Mom may travel for the entire Winter Break in odd years.

NOTE: If either parent is going to exercise the "travel during Winter Break" option, they must provide notice to the other parent no later than Nov 1 Nov 15

Dec 1 Dec 15 Other: of when and where they plan to travel with the child(ren). At least ten days prior to traveling, the parent shall provide a schedule, location, and phone numbers for the trip.

☐ Other:

5.5 Parents Living in Same Community: Other Holidays.

Mother's Day/Father's Day:

☐ If the child(ren) are not already with the mother/father on this day, then the mother/father shall be entitled to have the child(ren) for up to 4 hours. The mother/father shall give notice to the other parent of the schedule at least two days in advance.

☐ Other:

Thanksgiving:

☐ defined as 10am to 8pm on Thanksgiving Day.

☐ defined as Wednesday after school until(day_____ & time)_____

☐ defined as whichever parent the child(ren) are with that year under our regular schedule.

☐ Dad Mom shall have Thanksgiving every year.

☐ Dad Mom shall have Thanksgiving in even years and ☐ Dad ☐ Mom shall have Thanksgiving in odd years.

☐ Other:

Halloween:

☐ defined as 4pm to 8pm on Halloween day.

☐ defined as whichever parent the child(ren) are with that year under our regular schedule.

☐ Dad Mom shall have Halloween every year.

☐ Dad Mom shall have Halloween in even years and Dad Mom shall have Halloween in odd years.

☐ Other:

Easter Sunday:

☐ defined as 10am to 6pm on Easter Sunday.

☐ defined as: whichever parent the child(ren) are with that year under our regular schedule.

☐ Dad Mom shall have Easter Sunday every year.

☐ Dad Mom shall have Easter Sunday in even years and Dad Mom shall have Easter Sunday in odd years.

☐ Other: _____

NOTE: By deciding how your child(ren) will spend important days like holidays and birthdays your child(ren) and you will know what to expect and can plan events and traditions. Pick only the holiday options that you agree will have priority over your regular schedule for school, summer, and winter break.

July 4th:

☐ defined as 10am to 8pm on July 4th.

☐ defined as whichever parent the child(ren) are with that year under our regular schedule.

☐ Dad Mom shall have July 4th every year.

☐ Dad Mom shall have July 4th in even years and Dad Mom shall have July 4th in odd years.

☐ Other _____

Passover:

☐ defined as 6pm to 8pm.

☐ Dad Mom shall have the first night second night every year.

☐ Dad Mom shall have the first night second night every year.

☐ Other: _____

Hanukkah:

☐ defined as 6pm to 8pm.

☐ Dad Mom shall have nights: 1 2 3 4 5 6 7 8 (*circle which nights*)

☐ Dad Mom shall have nights: 1 2 3 4 5 6 7 8 (*circle which nights*)

Yom Kippur and
Roshashanah: _____

Spring Break:

☐ defined as 6pm last day of school to 6pm the day before school starts (Sunday).

☐ defined as whichever parent the child(ren) are with that year under our regular schedule.

☐ Dad Mom shall have Spring Break every year.

☐ Dad Mom shall have Spring Break in even years and Dad Mom shall have Spring Break in odd years.

☐ Other: _____

Spring Break Travel:

☐ Either parent may travel with the child(ren) during Spring Break during their time and shall give at least 30 days notice to the other parent and a schedule, location and phone numbers at least 10 days before travel.

☐ Other _____

Memorial Day weekend:

☐ defined as: Friday 6pm to Monday 6pm.

☐ defined as: whichever parent the child(ren) are with that year under our regular schedule.

☐ Dad Mom shall have Memorial Day weekend every year.

☐ Dad Mom shall have Memorial Day weekend in even years and the other parent shall have Memorial Day weekend in odd years.

☐ Other: _____

Labor Day weekend:

☐ defined as Friday 6pm to Monday 6pm.

☐ defined as whichever parent the child(ren) are with that year under our regular schedule.

☐ Dad Mom shall have Labor Day weekend every year.

☐ Dad Mom shall have Labor Day weekend in even years and the other parent shall have Labor Day weekend in odd years.

☐ Other: _____

5.6 Parents Living in Same Community: Birthdays.

Dad's Birthday is: (date)_____

Mom's Birthday is: (date)_____

Parent's
 Birthday: _____

☐ When it is Dad's or Mom's birthday, the birthday parent shall have their celebration during their regularly scheduled time with the child(ren).

☐ When it is Dad's or Mom's birthday, the birthday parent shall be entitled to have the child(ren) for up to three hours for a celebration on the birthday and shall give notice to the other parent of their plan to exercise this option at least three days in advance.

☐ Other: _____

Child(ren)'s Birthday:

☐ When it is our child(ren)'s birthday each parent shall hold their celebration during their regularly scheduled time with the child.

☐ When it is our child(ren)'s birthday, Dad shall hold a celebration during even years and Mom shall hold a celebration during odd years.

☐ We shall hold a joint birthday celebration every year with Dad organizing it during even years and Mom organizing it during odd years.

☐ Other: _____

6. Parents Living in Same Community: Transportation and Exchanges of Child(ren).

6.1 Transportation.

☐ The parent receiving the child(ren) shall transport the child(ren).

☐ Dad ☐ Mom shall provide all the transportation between parents.

☐ Other: _____

6.2 Exchanges.

☐ Exchanges shall be at mother's and father's homes unless we agree to another place.

☐ Exchanges shall be at _____ unless we agree to another place.

☐ Exchanges shall occur on time. Each parent shall be on time for

the drop off and pick up of the child(ren) and shall have the child(ren) ready. If a parent is more than 15 minutes late without contacting the other parent to make other arrangements, the parent with the child(ren) may proceed with other plans and activities for the child(ren).

☐ Exchanges shall occur on time. Each parent shall be on time for the drop off and pick up of the child(ren) and shall have the child(ren) ready. If a parent is more than late without contacting the other parent to make other arrangements, the parent with the child(ren) may proceed with other plans and activities for the child(ren).

☐ Other: _____

7. Move by Parent - Notice and Future Schedule.

(choose all that apply)

☐ Each parent shall give at least 120 days notice to the other parent of any intent to move.

☐ Each parent shall give at least days notice to the other parent of any intent to move.

☐ After receiving notice of a move, we shall review our parenting agreement to try to reach a modified parenting agreement that shall be best for our child(ren).

Note: If you do not have an agreement about how your child(ren) will spend time with both parents if one of you moves then you may create a very difficult time for your child(ren). It is helpful to have an agreement in place as to what the arrangement will be if one parent moves, and then either parent can file a Motion to Modify with the court. A Motion to Modify Custody or Visitation takes from about 2 months to 8 months to be decided by the court, depending on the issues.

☐ When one parent moves, the "Different Communities" part of this agreement (Sec. 8) shall apply until we reach a modified parenting agreement or the court decides a modification after one of us has filed a Motion to Modify Custody.

☐ The child(ren) shall remain with the non-moving parent until we reach a modified parenting agreement or the court decides a modification after one of us has filed a Motion to Modify Custody.

8. Parents Living in Different Communities - Custody Schedule.

☐ If we have been living in the same community and one parent moves, the child(ren) shall remain with the non-moving parent and the following schedule for visits with the moving parent shall apply unless we agree differently or the court modifies the custody.

☐ We are or shall soon be living in different communities. Our child(ren) shall be with Dad Mom except for the times agreed to below when our child(ren) shall visit with Dad Mom.

☐ Other: _____

8.1 Parents Living in Different Communities: Infant to Age 3 (or Older).

☐ Our infant/toddler shall have the same visitation as we have arranged for the siblings in the other part of this agreement.

☐ Dad Mom shall travel to the community that our child(ren) are in times per year, with 30 days notice to the other parent, and shall have daily visits of at least 4 hours and increasing to alternate day overnights. The visiting parent shall provide information as to schedule, location and telephone numbers for each visit.

☐ Dad Mom shall travel to the community that our child(ren) are in

times per year, with 30 days notice to the other parent. After a reacquaintance, the parent then may take our child(ren) for a trip. The re-acquaintance visits shall be at least two 4-hour visits. Our child(ren) may then travel for a visit with Dad Mom for up to days. The parent shall provide information as to schedules, locations and telephone numbers for the visit at least ten days in advance.

☐ Other: _____

Note: In deciding a custody schedule for child(ren) when parents live in different communities one of the primary considerations is how many trips can the parents arrange and pay for each year. Each trip by airplane requires a round trip for each child and a roundtrip for two escorts, one each way, if escorts are used.

Example : *Two children traveling Summer Break and Winter Break is 4 tickets a year (8 tickets with escorts)* Take the average cost of a ticket---\$500, \$600, \$700 -- and multiply it times the number of child(ren) and escort tickets times the number of trips per year to get the total cost and evaluate what Mom and Dad can arrange and pay for each year.

Example: *2 kids x 2 trips [4 tickets] per year to Seattle at \$500 per ticket = \$2,000 (\$4,000 with escorts)*

8.2 Parents Living in Different Communities: Summer Visits - At Least Age 3 thru 6 Years (or Older).

☐ Our child(ren), aged 3-6 years, shall have the same visitation we have arranged for the siblings in the other part of this agreement.

☐ Dad Mom shall have summer visitation

☐ 3 weeks when age 3

☐ 4 weeks when age 4

☐ 5 weeks when age 5

☐ 6 weeks when age 6.

The visit shall not begin until at least one week after school is out and shall end at least one week before school begins. No later than April 1 each year Dad Mom shall notify the other parent of the dates of the summer visit and what the transportation arrangements will be. The parent

shall provide information as to schedules, locations and telephone numbers for the visit at least ten days in advance of travel.

The summer visit shall continue to be 6 weeks every summer.

Beginning the summer of (year), the summer visit shall be as below (see Sec. 8.3).

☐ Other: _____

8.3 Parents Living in Different Communities: Summer Visits - At Least Age 6 thru School Age.

☐ Dad Mom shall have summer visitation from one week after school is out until one week before school begins. No later than April 1 each year Dad Mom shall notify the other parent of the dates of the summer visitation and what the transportation arrangements will be. The parent shall provide information as to the schedules, locations and telephone numbers for the visit at least ten days in advance of travel.

☐ Dad ☐ Mom shall have summer visitation from one week after school is out until one week before school begins. No later than each year ☐ Dad ☐ Mom shall notify the other parent of the dates of the summer visitation and what the transportation arrangements will be. The parent shall provide information as to the schedules, locations and telephone numbers for the visit at least _____ days in advance of travel.

☐ Dad ☐ Mom shall have summer visitation of 8 weeks each summer to begin no earlier than one week after school is out and to end at least one week before school begins. No later than April 1 each year ☐ Dad ☐ Mom shall notify the other parent of the dates of the summer visitation and what the transportation arrangements will be. The parent shall provide information as to the schedules, locations and telephone numbers for the visit at least ten days in advance of travel.

☐ Other: _____

8.4 Parents Living in Different Communities: Failure to Give Notice / Loss of

Summer Visit.

☐ The parent who is entitled to the summer visitation has the duty to notify the other parent of their intention to have the child(ren) for summer visitation by the date we agreed to above. If the parent has not given notice of the dates they intend to exercise summer visitation, the parent the child(ren) are with may choose the dates.

☐ The parent who is entitled to the summer visitation has the duty to notify the other parent of their intention to have the child(ren) for summer visitation by the date we agreed to above. If the parent has not given notice of their intention to exercise summer visitation, the parent the child(ren) are with may assume there shall be no summer visit and make other plans with the child(ren).

☐ Other: _____

8.5 Parents Living in Different Communities: Winter School Break (Christmas).

Definition:

☐ defined as the day school is out until the day before school starts.

defined as:

☐ One parent every year:

☐ Dad ☐ Mom shall have all of Winter Break every year.

☐ Other: _____

Parents all of break alternate years:

☐ Dad Mom shall have all of Winter Break in even odd years.

☐ Dad Mom shall have all of Winter Break in even odd years.

Parents half of break every year:

☐ Dad Mom shall have first half of Winter Break in even odd years and

☐ Dad Mom shall have first half of Winter Break in even odd years.

☐ The other parent shall have the second half of Winter Break.

Away parent all of break plus one-half of break alternate years:

☐ The parent who does not live in the same community with the child(ren) shall have all of Winter Break in even odd years and the second half of Winter Break beginning after Christmas Day in the alternate year.

Note: Consider that this school break is not exactly the same period every year and may be as short as 12 days to as long as 20 days. Check your child(ren)'s school calendar each year.

Parent travels:

☐ The parent who does not live in the same community with the child(ren) shall travel to the child(ren)'s community and shall have time with the child(ren) as follows:

☐ Other: _____

8.6 Parents Living in Different Communities: Spring Break.

Definition: Spring break is the school break beginning on the last day of school and ending on the day before school starts again.

Spring break is defined as:

[] Dad Mom shall have Spring Break every year.

[] Dad Mom shall have Spring Break in even odd years and the other parent shall have Spring Break in even odd years.

[] The parent who does not live in the same community with the child(ren) shall travel to the child(ren)'s community and shall have time with the child(ren) as follows:

[] Other: _____

8.7 Parents Living in Different Communities: Other Holidays.

[] If the parent who does not live in the same community as the child(ren) comes to visit, we agree to arrange reasonable time for our child(ren) to be with the visiting parent. The visiting parent shall provide information as to schedule, location, and telephone number where the child(ren) will be. If we have the financial ability to pay and travel is reasonable, considering the distance, time, school, and our child(ren)'s age, we may agree to visits for other holidays not listed above.

[] Other: _____

8.8 Parents Living in Different Communities: Birthdays.

Dad's Birthday is: (date)

Mom's Birthday is: (date)

Parent's Birthday:

[] When it is Dad's or Mom's birthday and the child(ren) are not with that parent, the other parent shall assist the child(ren) in telephoning the birthday parent.

[] Other: _____

Child(ren)'s Birthday:

[] When it is our child(ren)'s birthday, the parent the child is not with shall telephone the child and the other parent shall make the child available to talk with the parent on their birthday.

[] Other: _____

9. Parents Living in Different Communities: Transportation.**9.1 By Car**

[] When we live in different communities where transportation will be by car, we agree that Dad Mom shall provide transportation both ways unless we agree differently.

[] Other: _____

9.2 By Airplane.

☐ When we live in different communities where transportation will be by airplane, we agree to assist our child(ren) by considering jet lag, settling in times, and "best option in light of the price" schedules appropriate to our child(ren)'s age and needs.

☐ When we live in different communities where transportation will be by airplane, we agree that we shall split the cost of the summer visit each paying half. Dad Mom shall purchase the ticket and the other parent shall reimburse within 30 days. Transportation for other visits shall be paid by the away parent that does not live in the same community as the child(ren).

☐ When we live in different communities where transportation will be by airplane, we agree that Dad Mom shall purchase all roundtrip tickets for all trips and the other parent shall reimburse half of the cost of the child(ren)'s ticket within 30 days.

☐ When we live in different communities where transportation will be by airplane, we agree that the costs of roundtrip tickets shall be paid by each parent as follows:

☐ Summer Dad Mom

☐ Spring Break Dad Mom

☐ Winter Break/Christmas Dad Mom

☐ Other: Dad Mom

☐ We agree that if a parent cannot financially pay for transportation, then the other parent has the option of paying for the transportation for the visit to take place.

☐ When we live in different communities where transportation will be by

airplane, we agree that our child(ren) may miss school half-day 1 day 2 days, if they are otherwise doing well in school, in order to accommodate travel arrangements and be with the other parent.

☐ Other: _____

9.3 Airplane Escorts.

☐ We agree to consult with each other about whether an escort is appropriate for our child(ren) when they are going to be making an airplane trip.

☐ When we live in different communities where transportation will be by airplane, we agree that the costs of roundtrip tickets for any escorts, including for a parent, shall be split 50/50.

☐ When we live in different communities where transportation will be by airplane, we agree that the costs of roundtrip tickets for a parent escort shall be paid by the parent doing the escort.

☐ Other: _____

10. Vacations and Travel by Child(ren).

☐ We agree that either parent may travel with our child(ren) during their custody time. The parent traveling with the child(ren) shall give the other parent at least 30 days notice before traveling unless there is an emergency, and shall provide the other parent with a schedule, locations and phone numbers at least ten days before traveling.

☐ We agree that our child(ren) may travel with others, such as a sports team, church, or school activity, with relatives or similar travel as arranged by the parent the child(ren) are with during that parent's time. We

understand that if our child(ren) are involved in a special activity, it may be in their best interest for both parents to agree the child(ren) may travel during one parent's time.

[] We agree that if our child(ren) are traveling with others, such as with a sports team, church, or school activity, with relatives or similar travel for more than days, that we shall give the information to the other parent in advance of the travel.

[] Other: _____

11. Information About Events and Activities.

[] When we live in the same community each parent shall make a good faith effort to give information to the other parent about events and activities in our child(ren)'s lives like school programs, concerts, award ceremonies, plays, sports events and other things our child(ren) are participating in. Sometimes this information may be at the last minute but we recognize this happens with child(ren) and shall make an effort to let the other parent know so that they can attend or talk about it with our child(ren).

[] When we live in different communities each parent shall make a good faith effort to send the other report cards, school calendars, school pictures, copies of awards or programs from events and activities our child(ren) are involved in.

12. Parent Traveling. (choose one)

[] If either parent is traveling, they shall let the other parent know in advance where they can be reached in the event of an emergency or if the child(ren) want to contact them.

[] If either parent is traveling, they shall leave information with another adult in their home where they can be reached in the event of an emergency or if the child(ren) want to contact them.

[] Other: _____

13. Changes or Modification of the Agreement. *(choose all that apply)*

[] We understand that we can vary this agreement for special events, changes in circumstances and to adjust to our child(ren)'s schedule when we agree. However, when we do not agree to change something, this agreement is in effect. Either of us may file a Motion to Modify Child Custody with the court when we believe that there has been a substantial change in circumstances such that it is in the best interest of our child(ren) that the agreement be substantially modified by the court.

[] When we decide to make a substantial change in the agreement, such as the custody arrangement, it shall be put in writing and signed by both of us and filed with the court with a Motion to Modify.

[] We agree that minor changes in the agreement, such as travel times or exchange times can be put in a writing, signed by both of us, for clarification and for a record, but are not required to be.

[] We agree that any change in the agreement must be put in writing signed by both of us.

14. Care of Our Child(ren).

14.1 Parent Remarks and Behavior.

[] We agree that our child(ren) have the right to be free of bad comments and behavior by one parent about the other. We agree that we shall not badmouth, criticize, roll our eyes, be sarcastic and otherwise be disrespectful of the other parent in the presence of our child(ren) and we shall not let others do this.

[] Other: _____

14.2 Child(ren) as Messengers.

☐ We agree that all communications regarding the child(ren) shall be between the parents and we shall not use the child(ren) as messengers to convey information, ask questions or set up custody changes.

Note: It causes pain to your child(ren) when you criticize their other parent. Even infants and toddlers pick up on a parent being disrespectful of their other parent. Frustration with the other parent from time to time is not unusual but comments are best saved for sharing with adult friends outside the presence of your child(ren).

☐ We shall keep a notebook that goes back and forth with the child(ren) that gives information about their schedule, problems, eating, sleeping, cute stories, new experiences and other information for the other parent. We shall stop using the notebook when we both agree.

☐ Other: _____

14.3 Discipline.

☐ Either parent may use reasonable discipline techniques, but we shall not use physical discipline.

☐ Either parent may use reasonable discipline techniques, with physical discipline as a last resort.

☐ Either parent may use reasonable discipline techniques, including physical discipline.

☐ Other: _____

14.4 Education.

[] Both parents may participate in school conferences, events and activities and may consult with teachers and other school personnel. Each parent may contact the school to receive grades, attendance, calendars, schedules, mailings and notices.

15. Decision-Making.**15.1 Communication Between Parents.**

We shall communicate with each other: (*choose all that apply*)

[] in person

[] by telephone

[] by letter

[] by e-mail

[] Other: _____

15.2 Day-to-Day Decisions.

[] Each parent shall make decisions regarding day-to-day care of each child while the child is residing with that parent. Either parent may make emergency decisions affecting the health and safety of the child(ren).

[] Other: _____

15.3 Records.

☐ Both parents shall have full access to school, day care, medical and other records of our child(ren).

☐ Both parents shall have equal and independent authority to confer with the child(ren)'s school, day care and other programs with regard to the child(ren)'s educational, emotional and social progress.

☐ Other: _____

15.4 Braces.

☐ We agree that if a dentist or orthodontist recommends braces for our child(ren) that we shall provide them.

☐ We agree that if a dentist or orthodontist recommends braces for our child(ren) that we shall obtain a second opinion and if it recommends also then we shall provide them.

☐ We shall consider braces as any other non-emergency medical decision.

☐ Other: _____

16. Disputes.

☐ Whenever possible we shall discuss the issues and attempt to reach an agreement based on what is best for our child(ren) at that particular time. If we are unable to reach an agreement on an important issue about our child(ren) after we have discussed it with each other, either parent may initiate dispute resolution by:

☐ arranging for us to meet with a counselor to discuss and try and reach agreement.

☐ arranging for us to meet with a trained mediator to try and reach an agreement.

☐ (name)_____ has agreed to be an arbitrator and after we each present what we think is best for our child(ren) the arbitrator shall make the final decision.

☐ Other: _____

17. Contact with the Child(ren) When with the Other Parent.

17.1 Telephone. *(choose all that apply)*

☐ We shall each try to maintain answering machines so that the child(ren) can leave and receive our messages.

☐ Our child(ren) may telephone the other parent whenever they want to.

☐ The parent the child(ren) are not with shall make an effort to talk at least times a week month by calling the child(ren) at reasonable times.

☐ The parent the child(ren) are not with shall telephone on the following days and times:

☐ If a message is left from the parent the child(ren) are not with, the other parent shall assist the child(ren) in returning the call.

Reasonable times to call the child(ren) at the other parent's home are:

☐ between 8am and 8pm

☐ between ____ am and ____ pm

☐ We agree that telephone calls and other communication shall not be monitored by the other parent unless they believe in good faith that the child is having a problem.

☐ Other: _____

17.2 Mail. (choose all that apply)

☐ We agree that our child(ren) shall be given all mail and packages sent by the other parent. If any mail is withheld the other parent shall be informed immediately.

☐ We agree that our child(ren) and the other parent may communicate by email when computers are available.

☐ Either parent may send audio tapes, including story tapes and video tapes to the child(ren).

18. Re-Involving A Parent.

☐ Dad Mom has not had frequent contact with our child(ren) for approximately_____, and wishes to begin more actively participating in our child(ren)'s life. To make this transition work for all of us, we agree: (*check all that apply*)

☐ We shall both seek counseling to assist us in helping the child(ren) with this transition and to receive advice about how to make the

transition work.

[] We shall begin contact with the child(ren) by having the following schedule of contacts:

[] After the above schedule of contacts has been kept for (time), we shall reach an agreement about increasing the time the child(ren) spend with the other parent.

[] Other: _____

Note: Child(ren) generally love to get mail. The parent the child(ren) are not with can foster their relationship with the child(ren) by sending pictures, cards, postcards, magazine pictures, stickers and letters. These make a child feel important and become treasures of how important they are. Fax machines are a wonderful gift for a child and an away parent. Homework can be faxed and corrected, edited and praised. Certificates and awards can be sent. Preschool drawings can be faxed.

19. Child Care.

19.1 Parents Living in Same Community - First Option Other Parent. *(choose one)*

[] Each parent shall call the other parent and give them first option to care for the child(ren) when they need childcare.

[] Each parent shall call the other parent and give them first option to care for the child(ren) when we need childcare for more than:

[] 2 hours 4 hours 6 hours 8 hours

[] Other: _____

19.2 Parents Living in Different Communities - First Option Other Parent.

☐ We agree that if the parent who the child(ren) are with will be traveling, is ill, working out of town or otherwise unavailable to care for the child(ren) for an extended period, that the other parent will be given first option to care for the child(ren) in the child(ren)'s home community or the other parent's community, depending on what is best for the child(ren) at that time.

☐ Other: _____

19.3 Child Care by Other People. (choose one)

☐ We agree that we are each free to choose appropriate child care providers.

☐ We agree that any child care provider for our child(ren) shall be:
(choose all that apply)

☐ a licensed child care provider.

☐ a close relative or friend.

☐ over the age of _____.

☐ Other: _____

20. Grandparents and Extended Family.

☐ Each parent agrees that they shall provide the child(ren) with visitation with the grandparents and extended family on their own side of the family as they decide is in the child(ren)'s best interest during their custody time. We agree that we shall cooperate to help the child(ren) attend special events with grandparents and extended family by making reasonable

requests of each other, considering the school situation and the child(ren)'s best interest and needs.

☐ Other: _____

21. Parents Same Community or Different Communities: Transition Times.
(choose all that apply)

☐ We agree that when our child(ren) has to travel by air or car long distances that we shall each reassure them, tell them about the schedule, and use airline services that will help the child(ren).

☐ We agree that we shall assist our child(ren) to have comfort items like blankets, stuffed animals, and favorite things with them when they go from one home to the other.

☐ We agree that we shall give the other parent information about our child(ren)'s homework, school projects, appointments and activities that need attention while the child(ren) are with the other parent.

☐ We agree to talk to each other about the child(ren)'s sleep and eating schedule, any medications or health matters and their general condition before exchanges.

☐ We agree that when we are exchanging the child(ren) we shall not discuss other issues and that we shall not fight, be sarcastic or demonstrate anger during the exchange.

☐ Other: _____

22. Federal Taxes. *(choose one)*

☐ No agreements are made. Federal tax law applies.

☐ Dad Mom shall claim our child(ren) on their federal income taxes each year.

☐ We shall claim our child(ren) on our federal income taxes each year as follows:

child: Dad Mom

child: Dad Mom

child: Dad Mom

child: Dad Mom

child: Dad Mom

☐ Other: _____

Note: After parents separate, it is child(ren) who make the most day-to-day changes. They are the ones who do the traveling, who have two different homes, two different sets of rules and expectations and must adjust to the constant change. Parents can help by being aware of the stress of these transitions and seeking to actively participate in helping the child(ren).

Note: Any agreement regarding which parent has a child deduction is still subject to federal tax law and state statutes.

23. Permanent Fund Dividend. (*choose one*)

☐ Dad Mom shall apply for the child(ren)'s Permanent Fund Dividend each year and (1) may use half of the PFD in the best interest of the child(ren); (2) shall place half of the PFD in an interest-bearing account; (3) shall provide the other parent with proof of deposit of the PFD and an annual statement by February 1 of each year; and (4) shall pay any taxes out of the child(ren)'s account.

☐ Dad Mom shall apply for the child(ren)'s Permanent Fund Dividend each year and (1) may use the money in the best interest of the child(ren) or save it; (2) shall keep a written accounting of how the money was used; and (3) shall pay any taxes.

[] Dad Mom shall apply for the child(ren)'s Permanent Fund Dividend each year and (1) place the money in an interest-bearing account investment account; (2) shall provide the other parent with proof of deposit of the PFD and an annual statement by February 1 each year; and (3) shall pay the taxes from the child(ren)'s account. Withdrawals from this account may only be made if both parents agree or by a court order.

[] Dad Mom shall apply for the child(ren)'s Permanent Fund Dividend each year and (1) shall place the money in an interest-bearing savings account that is in the name of both parents and requires both parent's signatures for withdrawal of funds; and (2) shall pay any taxes.

[] Other: _____

ACKNOWLEDGMENT

I acknowledge that I am signing this agreement freely and voluntarily for the purposes stated therein.

Dad's Signature _____ Date _____

Mom's Signature _____ Date _____

Acknowledged before me at ,

Acknowledged before me at ,