

CUSTODY or (730 EVALUATIONS)

You and your spouse are unable to come to an agreement about who should have custody of one or more of the children. This is most unfortunate for both parties; your children's best interests and your pocket book.

Children need both parents unless one of them has a current criminal background, disorder or disease that makes them too impaired to be a custodial parent.

Long ago the courts ruled that prostitutes could be good parents as long as they do not perform their acts in the presence of their children.

A normal full-blown custody battle can cost the parties from \$10,000 to \$50,000 and more depending on the circumstances. Naturally, these funds are better spent on the children's education or elsewhere.

A custody battle or 730 Evaluation is a study of the family; its members and their relationship with the intent of restructuring parental rights and responsibilities concerning their children. The evaluation requires evidence to support one position or the other. The court usually depends upon one or more mental health professionals to describe the parties involved and the nature of their interaction. The professional usually is a marriage, family counselor, a licensed clinical social worker or a psychologist. If the parties cannot agree on whom to hire the court will select a mental health professional from their panel. The evaluation usually includes a recommendation for what would be in the "child's best interests". The evaluator can be called into court to testify, defend or explain his or her conclusions. The court can order further studies or additional evaluations if necessary.

Many times each party or their attorneys will agree that one mental health professional can evaluate the parties and stipulate that his or her report be a final determination of the custody and visitations issues. This is usually done to reduce costs and quickly resolve custody and visitation issues. However, I do not recommend this since there is no way to determine in advance, the evaluator's prejudices to parties or circumstances in their respective lives. Once agreed upon or stipulated to in writing the parties are bound by their decision to have only one evaluator.

The evaluator or evaluators are concerned with the following:

1. The child's best interest is paramount.
2. Evaluator must be a professional expert
3. The evaluator must be neutral at all times. (Very difficult to screen for)
4. Parties must be educated about limits of confidential disclosure of information.
5. Gathering information includes clinical interviews, observations and psychological testing and assessment.
6. Evaluators are to avoid communication with only one attorney or only one

- side.
7. The evaluator must possess at least a master's degree in the health field, have considerable training and understanding of divorce issues, child development and the court system.
 8. The quality of service is dictated by the amount of fees to be paid.
 9. Avoid one-sided evaluations. Tips to prepare you in the evaluation process.

Tips to prepare you in the evaluation process:

1. Cooperate with the evaluator or evaluators. Always remember their purpose is to determine what is in your child or children's best interests.
2. Be able to separate your marital problems, personal problems from your parenting concerns.
3. Evaluator's results are not a win/lose situation. Children need both parents and have the right to love them both equally.
4. Ask the evaluator before he or she is hired for referrals, his or her CV or resume and determine for yourself of his or her qualifications.
5. Keep your appointments and be on time.
6. Organize school, health and other information for the evaluation.
7. Make notes of questions you have to ask your attorney before being evaluated.

The most difficult thing for the parties to do is to separate their divorce issues from parenting. So many times either or both parties will attempt to use their children as pawns in the divorce process. This is a big mistake and usually causes emotional injuries to their children, which can last for years into their future.

If you cannot afford an attorney Mr. Radoff will be happy to prepare the necessary documents for you to represent yourself and provide you with the legal advice you need in any court in California.

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