Contents

About the Authors  xi
Introduction  xiii

Part I
Professional Roles in Family Law Cases:
Definitions and Differences  1

  Parenting Evaluator’s Role  2
    Investigator (aka PE)  3
    GAL as PE  3
  Psychologist (or Other Mental Health Professional) as PE  4
  When to Appoint a Psychologist as PE versus a GAL as PE  6

  Attorney’s Role  7
    Attorney-Client Interview  7
    Retaining an Evaluator  8
    Private Evaluation  8
    Evaluations Conducted by State or County Agencies  9
Preparing the Client for the Parenting Evaluation
Process 10
Addressing the Client’s Questions 13
Power of Custody Evaluations 16
Voluntary versus Court-Ordered Evaluations 16
Summary 17

Part II
Sources of Authority 19

Sources of Authority: Parenting Evaluators 20
   Ethical Considerations for PEs 21
   Standards of Care versus Aspirational Guidelines 27
   Four Elements of Ethical Forensic Practice 28
Sources of Authority: Attorneys 35
   Statutory Law 36
   Residential Provisions for the Children 39
   Court Orders: Appointment of a PE 52
   State Administrative Law Codes 53
   Court Rules 57
   Case Law 58
   Federal Rule of Evidence 702 58
   Ethical (Codes and Principles)—Rules of Professional Conduct 58
   Ex Parte Communication 59
   Continuing Education 60
   Practice Consensus (Standards and Guidelines) 61
Summary 62
Part III
Professional Cooperation 63

Point of Referral 65
  PE’s Goals 65
  Attorney’s Goals 70
Evaluation Process 71
  PE’s Goals 71
  Attorney’s Goals 92
Issuing the Report 106
  PE’s Goals 106
  Attorney’s Goals 109
Post-Report Conferences 115
  PE’s Goals 115
  Attorney’s Goals 117
Deposition and Trial Testimony 118
  PE’s Goals 118
  Attorney’s Goals 122
Summary 132

Part IV
Other Professional Roles in Family Law Matters 133

Post-Decree Roles for Mental Health Professionals 134
  Court-Involved Therapy Post-Decree 134
  Individual Therapy 135
  Co-Parent Counseling 136
  Parent Coaching 137
  Court-Appointed Oversight Post-Decree 138
Appendix A
Order Appointing Parenting Evaluator 151

Appendix B
Policy Statement & Orientation to Parenting Evaluations 157

Appendix C
Fee Statement—Parenting Examinations 169

Appendix D
Parent Background Questionnaire 177

Appendix E
Informed Consent to Participate in the Forensic Examination Process 189
Appendix F
Interview for Informed Consent: Forensic Services 195

Appendix G
Collateral Contact Form 201

Appendix H
Authorization to Release and/or Exchange Information 203

Appendix I
Structured Child Interview 205

Appendix J
Example Parenting Coordinator Order 217

Index 229

The book’s appendices are available for download online