

CHILD CUSTODY EVALUATION

1. **The wishes of the child's parent or parents as to custody** (Have you and the other parent discussed custody? If yes, what have you decided? Describe conversation and when it took place? What do you want? Why do you think you would be the better custodial parent?)

2. **The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference.** (How and when has the child expressed a preference? Why do you believe the child would prefer to be with you?)

3. **The child's primary caretaker.**
 - a. **Planning and preparing meals.** (Discuss how meals were planned, prepared and eaten. For example: During our marriage, whenever I was at home I would prepare the meals. My spouse would prepare them only when I had to work late which was about once per week. I was the one who determined the content of the meals and made sure that we were eating balanced meals. I did 90% of the grocery shopping and told my spouse what to buy when my spouse went. I taught the children how to use the proper utensils and how to set the table. When I was home, the children and I would sit down together for meals and discuss their day at school.)

 - b. **Bathing, grooming and dressing.** (Who bathed and dressed the children? Who picked out the clothes? Who combed their hair? Who made sure it was cut? Any special occasions such as halloween or school plays?)

 - c. **Purchasing, cleaning and care of clothes.** (Who did the buying, washing, folding and putting away of clothes? How often did your spouse do that?)

 - d. **Medical care, including nursing and trips to physicians.** (Who would the children come to when they were sick? Who took them to the doctor? Who made appointments for the doctor, dentist, etc.? Who stayed home from work with them? Who got up during the middle of the night?)

 - e. **Arranging for social interaction.** (Who transports children to friends' houses or, for example, to scout meetings, 4H meetings, dance classes, music lessons, after school activities, church activities or other community activities? What activities are the children involved in and who assists the children with these activities?)

 - f. **Arranging alternative care.** (Who arranges for daycare and who takes children there and who picks them up? Who arranges for babysitting at other times?)

g. Putting child to bed at night, attending to child in the middle of the night, waking child in the morning:

h. **Discipline.** (How do you and spouse discipline the children? Do you agree on the method of discipline? How are the children taught general manners? How were the children toilet trained?)

i. **Social, religious, and cultural education.** (If it is important to you, how are the children taught about their religion or their cultural heritage? Who brings the children to such things as plays, concerts, sporting events, and museums?)

j. **Teaching elementary skills.** (Who taught the children to walk and talk. Who reads to them? Who helps them with reading, writing, arithmetic and other homework?)

4. **The intimacy of the relationship between each parent and the child.** (Who do the children go to when they need personal attention? With whom do they discuss personal and private matters such as their relationship with friends, religion, their sexual development, or other stresses in their lives?)

5. **The interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests.** (What are the children's relationship with grandparents, cousins, friends and their brothers and sisters? That is, what do they do together? How much time is spent with them? How will those relationships be affected?)

6. **The child's adjustment to his home, school and community.** (If the children are old enough, how well are they doing in school? How long have they been part of the community? What community activities do they participate in? How will the children's relationship to their school and community be affected?)

7. **The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.** (How long have the children lived in one place? Will the children be required to move again? If so, will this be beneficial? If not required to move, why is the stability important?)

8. **The permanence, as a family unit, of the existing or proposed custodial home.** (How many times has each of the parents moved recently? How many times have they changed jobs? What were the reasons for these changes?)

9. **The mental and physical health of all individuals involved?** (Do any of the children have any physical or mental disabilities? Do they have any learning disabilities? If so, what are they and how do those disabilities affect the children and the family? Who is responsible for any treatment? Does either parent have any physical or mental disabilities? If so, how do the disabilities affect the person's relationship with the children?)

10. **The capacity and disposition of the parties to give the children love, affection, and guidance, and to continue educating and raising the children in their culture and religion or creed, if any.** (For example: Both of us have the capacity to love our child, however, I feel that I am a better parent. We are of the same religious and cultural background.)

11. **The child's cultural background.** (Relevant where an adopted child or one or both parents are from a minority culture. If this is a factor, how will you maintain the child's link to his or her heritage?)

12. **If there has been violence or domestic abuse in the home, the effects of the violence or domestic abuse on the child.**

13. **The disposition of each parent to encourage and permit frequent and continuing contact by the other parent with the child.** (What do you do to encourage visitation? For example, are there times when you have willingly altered plans to allow visitation that wasn't scheduled, or do you assist the children in scheduling so that they will not conflict with visitation? Is there anything the other parent does to interfere with your relationship with your children? For example, total unwillingness to alter visitation, constant requests to alter visitation, refusal to allow visitation, or consistently being late or interfering with your relationship?)

EVALUATING A CHANGE IN CUSTODY

1. A significant change has occurred in the circumstances of the child or the parties since date of prior order or which were unknown to the court at that time. (What was the underlying reason for the other parent to have custody? What was the reason you were not awarded custody? How have those conditions changed? Have the children changed? Some examples: At the time of the divorce, I was having an affair and I left my family. I now have been happily married for five years while my ex-spouse has had a series of live in arrangements that have been detrimental to our children. OR, I was an alcoholic, but I went through treatment and have not had a drink for five years. OR, my spouse recently moved, and our oldest child wants to live with me to complete high school.)

2. The child has been integrated into your home with the consent of the other parent. (How long has the child lived with you. Why did the change take place? How have you and your family made the child feel like a part of the family? What is the agreed visitation schedule? How has visitation been going?)

3. How does living with the other parent endanger the child's physical or emotional health or impair the child's emotional development? (What are all the reasons that the other parent should not have custody? Some examples: persistent interference with visitation; interfering with your relationship with the child; physical or sexual abuse while in the other parent's home; consistently changing jobs, residence, or live-in companion; inappropriate day-care providers; character of other parent's new spouse or companion; inappropriate supervision or lack of supervision; other parent plans to move out of state where it will be impossible for you to visit the child on a regular basis; deterioration of relationship between child and other parent; violations of court order regarding visitation or other matters; the child is doing poorly in school; the child is out of control at home; the child has been using drugs or alcohol; the child has been arrested for a crime; etc. *YOU WILL NEED TO GIVE THE DETAILS OF ALL THAT APPLY.*)

4. How will the child benefit by being in your custody? (The harm caused by disrupting the child must be outweighed by the benefit of changing custody, so the benefit to the child must be carefully explained. Show how you plan on correcting the problems that you see. Tell about all the other benefits the children will have in your custody if it hasn't been described before.)