

Materially Assist Checklist for Child Custody Evaluations [V.3 January 2023]

I. Background:

The development of this checklist came out of marked concern by the Mentorship Outreach Committee (MOC) of AFCC-CA regarding the lack of a clear definition and implementation of the term ‘materially assist’ as it is currently stated in form FL-326 and California Rule of Court 5.225 (g)(1)(B). [Note: hereinafter the experienced professional is termed “mentor” and they perform mentoring of the inexperienced “mentee.”]

From the perspective of the MOC, a major consequence of not having any definition and implementation of the term materially assist is that mental health professionals do not have a clearly stated, formal, and structured pathway to gain the hands-on experience required to become qualified as a court-ordered child custody evaluator in California. This experience is the final step and most crucial aspect of one’s becoming qualified to be a custody evaluator.

As a result of these circumstances, the MOC of AFCC-CA has developed this checklist in order to formalize and streamline the process by which custody evaluators-in-training gain hands-on experience (i.e., materially assist) to become qualified as a custody evaluator in California.

To be clear what follows herein are proposed guidelines by the MOC and not enacted by the Judicial Counsel, or any other authority, per ROC 5.225. Nor are they required to fulfill the qualifications stated in FL-326 (Declaration of Private Child Custody Evaluator Regarding Qualifications).

In order to conduct materially assisted custody evaluations the custody-evaluator-in-training (i.e. mentee) must obtain a qualified supervising custody evaluator (i.e. mentor). The mentor should state on the FL-326 form that they are using a mentee and state that person’s full name. An agreement for the named evaluator to use a mentee and that the parents stipulated to this mentee’s involvement should be stated in FL-327.

II. Purpose:

The purpose of this Materially Assist Checklist for Child Custody Evaluations is to provide custody evaluators-in-training (i.e. mentees) and supervising custody evaluators with a framework in which they can work together on the important evaluation processes. Specifically, the aim and goal of this checklist is to ensure that custody mentees are materially assisting the mentors (i.e. supervising custody evaluators) in a structured and substantive manner so that the mentees can complete the requirements in order to become independent and qualified child custody evaluators.

III. Definition and implementation of the term ‘materially assist’:

To ensure that custody evaluators-in-training and supervising evaluators are engaging in a structured and substantive manner, the MOC of AFCC-CA provides a definition and implementation of the term ‘materially assist’.

Definition of the term: Materially assist is a process wherein a custody evaluator-in-training acquires structured and substantive ‘hands-on’ experience as stated under the guidance of a qualified, supervising custody evaluator in order to meet the requirements specified under California Rule of Court 5.225 (g)(1)(B).

IV. Implementation of the term materially assist: Custody evaluators-in-training must materially assist a supervising custody evaluator in the major domains of a child custody evaluation protocol. For additional information on training standards and requirements the reader should consult the “Guidelines for Parenting Plan Evaluations in Family Law Cases (Association of Family and Conciliation Courts, 2022)” and the “Guidelines for Child Custody Evaluations in Family Law Proceedings (American Psychological Association, 2022)”

This includes but is not limited to the following major domains:

1. Meet and confer with attorneys and/or self-represented parties prior to the start of the child custody evaluation.
2. Where deemed appropriate, participate in forensic interviews with child, parent, parent-child interactions, extended family members, and professional and non-professional collaterals.
3. Forensic report writing.
4. Administration, scoring, interpretation, and/or review and discussion of psychological testing data where deemed appropriate.
5. Review and discussion of case law and/or psychological literature or research on issues pertaining to the child custody evaluation case on which they are working.
6. Review and discuss ethical and/or risk management issues that arise in the child custody evaluation case on which they are working.
7. When warranted or agreed upon, meet and confer with attorneys and/or self-represented parties post the completion and submission of the custody evaluation report.
8. The use of technology and virtual methods of conducting evaluations post Covid (2020).

V: Requirements for the materially assist supervising evaluators:

In addition to the requirements stated in form FL-326 and California Rule of Court 5.225, supervising evaluators should have ten years of forensic experience in family law, completed thirty-five court-ordered child custody evaluations (including forms of brief evaluations), and have testified as an expert witness in ten family law cases.

IV. Domains:

Below are the seven specific domains noted above and corresponding checklist items for supervising custody evaluators to review and respond to along with the custody evaluator-in-training who is materially assisting them on a child custody evaluation.

For the following Domains:

“Yes” = mentee and mentor did it together

“No” = mentee did not participate in that domain activity

Note any tasks the Mentee completed alone without supervision

Description of the Seven Domains of Participation:

Domain #1: Meet and confer with attorneys and/or self-represented parties prior to the start of the child custody evaluation.

a. Did the evaluator-in-training observe and/or participate in the initial conference call/meeting with parents and/or parents? attorneys.

Yes: ___ No: ___

b. Did the evaluator-in-training observe and/or participate in the discussion of items 1-4 of form FL-327 with the supervising evaluator and attorney(s) or self represented parties?

Yes: ___ No: ___

c. Did the evaluator-in-training observe and/or participate, to the extent it is reasonable, in the delineation of the child custody evaluation protocol (e.g., discussion of the supervising evaluator's Child Custody Evaluation Informed Consent or Statement of Policies and Procedures).

Yes: ___ No: ___

d. Did the evaluator-in-training review pertinent documents and have an opportunity to ask questions/discuss them with the supervising evaluator at the start of the evaluation?

Yes: ___ No: ___

Domain #2: Participate in child, parent, parent-child, extended family, and professional and non-professional collateral forensic interviews.

a. Did the evaluator-in-training observe and/or provide an explanation of a child custody evaluation Informed Consent or a Statement of Understanding to the parties?

Yes: ___ No: ___

b. Did the evaluator-in-training observe and/or participate in parent interviews?

Yes: ___

Observed: ___ # Participated: ___

No: ___

c. Did the evaluator-in-training observe and/or participate in child interviews?

Yes: ___

Observed: ___ # Participated: ___

No: ___

d. Did the evaluator-in-training observe and/or participate in parent-child interaction sessions?

Yes: ___

Observed: ___ # Participated: ___

No: ___

e. Did the evaluator-in-training observe and/or participate in extended family interviews?

Yes: ___

#Observed: ___ #Participated: ___

No: ___

f. Did the evaluator-in-training observe and/or participate in professional and nonprofessional collateral interviews?

Yes: ___

Observed: ___ #Participated: ___

No: ___

Domain #3: Forensic report writing (The evaluator-in-training shall have the opportunity to practice writing all sections of custody evaluation report).

a. Did the evaluator-in-training write the draft Introduction section of the custody evaluation draft report?

Yes: ___ No: ___

b. Did the evaluator-in-training write a draft Procedures section of the custody evaluation report?

Yes: ___ No: ___

c. Did the evaluator-in-training write a draft Background section of the custody evaluation report:

Yes: ___ No: ___

d. Did the evaluator-in-training write a draft Analysis and Discussion section of the child custody evaluation report?

Yes: ___ No: ___

e. Did the evaluator-in-training write a draft Recommendations section of the custody evaluation report?

Yes: ___ No: ___

f. Did the evaluator-in-training write a draft of the entire custody evaluation report?

Yes: ___ No: ___

g. Did the evaluator-in-training discuss their draft sections of a custody evaluation report with their supervising evaluator?

Yes: ___ No: ___

h. Did the evaluator-in-training read and discuss their supervising evaluator's custody evaluation report?

Yes: ___ No: ___

Domain #4: Administration, scoring, interpretation and/or review and discussion of psychological testing data.

a. In those cases where the supervising custody evaluator and custody evaluator-in-training are qualified to do so, did the evaluator-in-training administer, score, interpret and/or review and/or discuss psychological testing data in the child custody evaluation case in which they are participating? Yes:___ No:___

b. Did the evaluator-in-training review and discuss with the supervising custody evaluator the psychological testing report conducted by an outside mental health practitioner?
Yes:_____ No:_____

Domain #5: Review and discussion of case law and/or psychological literature or research on issues pertaining to the case in which the custody evaluation they are assisting?

a. Did evaluator-in-training review any case law pertaining to the child custody evaluation in which they are participating?
Yes:___ No:___

b. Did the evaluator-in-training review any mental health research or psychological literature on issues pertaining to the child custody evaluation in which they are participating?
Yes:___ No:___

Domain #6: Review and discussion of ethical and/or risk management issues that arise in the case on which they are working.

a. Did the evaluator-in-training review and discuss any ethical issues pertaining to the child custody evaluation in which they are participating?
Yes:___ No:___

b. Did the evaluator-in-training review and discuss any risk management issues pertaining to the child custody evaluation in which they are participating?
Yes:___ No:___

Domain #7: Meet and confer with attorneys and/or self-represented parties post the completion and submission of the custody evaluation report.

a. Did the evaluator-in-training meet and confer with the attorneys and/or self represented parties post the completion and submission of the custody evaluation report, if such a meeting occurred.
Yes:___ No:___ N/A_____

Domain #8: The use of technology and virtual methods of conducting evaluations post Covid (2020).

a. Did the evaluator-in-training participate in a Virtual CCE?

Yes:___ No:___ N/A_____

b. Describe what aspects of the CCE the evaluator-in-training did and which were observed.

I have reviewed and agree to the Statements and Answers above:

Mentor:

Mentee:

Statements of Qualifications by Mentor:

I, _____, have worked with _____ (Mentee) in order to supervise their work in Materially Assisting in the CCE/BFA matter stated above.

I have conducted CCEs/BFAs for _____ years, have completed approximately _____ during that time, and I have testified as an expert witness in _____ family law cases.