
Child Custody and Visitation Investigations

Information For Parents

Introduction

The judge referred you to the Custody Investigator's Office for a child custody/visitation investigation. You may have questions about the role of the investigator and what you can expect during the investigation. We know this is a very stressful time for you. We hope this introduction helps you understand the nature of our involvement.

When parents get divorced, or unmarried parents seek custody or visitation, the final papers (divorce decree or custody decree) have to spell out the plan for child custody and visitation.

In many situations, parents can make their own joint decisions about custody with help from a mediator or attorneys. In those situations, a settlement agreement is then submitted to the judge for approval.

In other situations, parents **cannot** resolve disputes about custody or visitation, and the dispute may go to trial for a judge to decide. Before the trial, the judge may require the family to participate in a child custody investigation. This investigation is an evaluation that gives information about the family to the judge and helps the judge make the best decision about the children.

What is a custody investigation?

A child custody investigation is:

- A process started by an order from a judge;
- Focused on the "best interests" of children;
- An impartial assessment of your family intended to help make a positive adjustment to separation/divorce;
- Concerned with the strengths and weaknesses of your parenting skills, and the skills of the other parent;
- Based on knowledge of the separation/divorce process, child development, and family interactions; and
- Focused on past events, present resources, and the future needs of the family.

A custody investigation is **not**:

- A process for finding fault or blame; or
- A process for taking one parent's side in the custody dispute.

If you would like more legal information about this process, consult an attorney, or call the Family Law Self Help Center at (907) 264-0851 or (866) 279-0851, or visit their website at www.state.ak.us/courts/selfhelp.htm

What are the "best interests" of your children?

The court requires that child custody decisions be made using the "best interests" principle. Defining the "best interests" of your children is a complex matter.¹ However, it is generally recognized that:

- Your children have the right to love both their parents and have access to both parents without interference. Children do better when parents cooperate and work together instead of fighting and putting each other down.
- Children need to be safe and secure, and protected from abuse and neglect.
- Children of different ages have different needs for access. A two-year-old may not be able to tolerate the same schedule as a ten-year-old. The custody investigator will consider your children's specific needs as well as their adjustment to home, school, and social environments.
- Children need continuity; visitation schedules should be followed consistently so that your children feel that you care about them.
- Children do best when you are supportive of their relationship with the other parent and the time spent with that parent.

¹ The judge considers nine specific best interest factors set forth in [AS 25.24.150\(c\)](http://www.state.ak.us/courts/selfhelp.htm).

How much does a custody evaluation cost?

There is no fee for investigations done by the court Custody Investigator's Office. If out of town travel is involved, you and/or the other parent may be responsible for those expenses. Sometimes psychological, drug, and alcohol evaluations, or other private evaluations are required, and you may be responsible for payment of those costs. You should ask your attorney about your responsibility to pay for travel or private evaluations.

Who is the custody investigator?

The custody investigator is a professional who is educated, experienced, and trained in areas related to the divorce/separation process and its effects on families, child development, and assessment of children. The custody investigator is familiar with the factors the court must consider in making decisions about custody and visitation.²

The role of the custody investigator is to assist the court by doing an impartial evaluation and submitting a report with recommendations about custody and visitation of your children. The investigator is **not** an advocate for either parent's position but must remain neutral and focused on the needs and "best interests" of your children.

The court custody investigator does **not** provide counseling, formal mediation, or legal advice about your case. The investigator can give you information about other resources available to assist you and your children. Discuss any legal aspects of your case with your attorney. If you do not have an attorney, but need legal advice, you can contact:

- Lawyer Referral Service
(907) 272-0352 (Anchorage)
(800) 770-9999 (toll free outside of Anchorage)
- Alaska Legal Services
(907) 272-9431 (Anchorage)
(907) 452-5181 (Fairbanks)
(907) 225-6420 (Ketchikan)

The court Custody Investigator's Office does not investigate complaints about child abuse or neglect. If you believe your children are being abused or neglected by the other parent or anybody else, contact the Alaska Office of Children's Services, police, or state troopers in the area where you and/or the children live.

What happens during a custody investigation?

When you receive a signed court order for a custody investigation, contact the Custody Investigator's Office to set up an appointment and an investigator will be assigned to handle your case.

Interviews: A child custody/visitation investigation will include separate interviews with each parent. Investigators see people as many times as they find necessary in order to get the information they need to complete the evaluation. The interviews take place in the Custody Investigator's Office.

The custody investigator will meet with your children. The investigator understands that your children may be experiencing a broad range of feelings about their family situation. These feelings are explored with them. Interviews and observations are oriented to each child's age. Parents often want to know if the investigator will ask the children who they want to live with. The investigator does **not** directly ask children to make a choice between their parents; however, thoughts, feelings, and experiences will be important in understanding their needs. Your individual appointment(s) will give you the opportunity to present issues and concerns about the children and the other parent. Conferences with your children allow the investigator to observe parent-child interaction.

Information Gathering: The investigator may ask you to complete a *Parent Information Questionnaire*. You will be asked to sign a consent form authorizing the investigator to get school, medical, psychological, social service, police, or other information. These contribute to a complete understanding of the family history and circumstances. The investigator may talk directly to family members, school personnel, day care providers, and other individuals and/or professionals who have been involved with your family. You may be asked to provide personal written references.

Other Evaluations: The court may need to evaluate the mental status of each parent. Psychological, drug, and alcohol testing may be required. These evaluations require the specific expertise of a trained professional whose report may be incorporated into the custody investigation or submitted separately to the court.

² The best interest factors are set forth in [AS 25.24.150\(c\)](#)

If a parent lives outside of Alaska or in another jurisdiction, it may be necessary for the investigator to request a reciprocal investigation with another agency where the parent lives. Some agencies charge a fee for this service and payment would normally be one or both parents' responsibility.

It is not possible to say exactly how long it will take to complete your investigation. This will depend on the complexity of your situation, number of interviews needed, etc. When other evaluations or out-of-state studies are required, additional time is necessary for these reports.

How can you prepare for your custody evaluation?

Keep the following suggestions in mind:

- You may still have a lot of angry feelings toward the other parent, which may make you tend to criticize things you may not earlier have identified as serious. Remember that the investigator is trying to address the best interests of your children and not trying to punish parents for "bad behavior." Don't look at the custody investigation as a win/lose situation, but rather as an avenue to arrive at a good plan for your children.
- In order to get the best and most accurate information, you need to be open and honest with the investigator. Ask questions if you do not understand something about the interviews or the investigation process.
- Separate your personal problems with the other parent from your parenting concerns.
- Utilize the investigator as a resource. Ask about reading materials, parent education courses, counseling, and other available help.

Specific suggestions in preparing for your investigation include:

- Keep your appointments and show up on time. Contact the Custody Investigator's Office in advance if you need to cancel or reschedule your appointment.
- Organize your records and bring with you copies of court documents and any other records you have that relate to your case.
- Make notes of any specific information you want to tell the investigator and questions you want to ask.
- Let the Custody Investigator's Office know of any changes in your circumstances or the status of your case.

What happens to the information?

The final product of almost every investigation is a written report to the judge. The report will describe the information obtained, and the investigator's observations and evaluations. The report will also usually include the investigator's recommendation about custody and describe what specific visitations will benefit the children most. The custody investigator will usually not make a recommendation unless the investigator had access to both parents. If one parent lives in another state, the investigator also will not make a recommendation unless an evaluation from that other state can be incorporated into the report.

The information collected during the investigation is for the purpose of the investigator's evaluation and recommendation to the judge. It is not gathered to help either parent litigate or prepare the parent's own case.

Confidentiality: You need to understand that the concerns you bring up during your interviews will be discussed with the other parent. A written report containing the information gathered and used in the investigation will go to the court and the attorneys. Our case files are not part of the court file but can be subject to discovery through deposition and at trial. The greatest concern about this lack of confidentiality revolves around statements of children. Children need to know that the investigator may not be able to keep secrets, although the investigator will make every effort to shield the children from potential repercussions and problems.

A copy of the Custody Investigation Report will be provided to your attorney. It will be provided directly to you if you do not have an attorney. When the investigation is finished, the investigator may meet with the parents' attorneys to discuss the investigation and recommendations. Information collected in the investigation will be shared with your attorney at that time.

Custody investigators are often required to appear in court to testify about their reports and recommendations. Like any witness, the investigator is subject to examination by both parties. Policies and procedures may vary in the Anchorage, Fairbanks, and Ketchikan offices.

It is very important that you remember that the judge, NOT the custody investigator, makes the decision regarding your children’s custody and visitation.

What if we reach an agreement about custody?

You and the other parent may arrive at an agreement regarding your children’s custody plan at any time during your investigation. This is not unusual or unexpected. If you and the other parent decide to settle your dispute, let the investigator know. The investigation can be suspended and further interviews cancelled. If you and the other parent enter into a written agreement, you should give a copy of it to the investigator so the custody investigation can be closed.

We strongly believe that children are best served when their parents are able to agree and plan together, and we encourage you to take whatever steps you can to decide your own custody/visitation arrangement.

What if you don’t agree with the outcome of the investigation?

You may not agree with the investigator’s conclusions or recommendations. It is important to know that the investigators are required to make recommendations. A recommendation which favors one or the other parent does not mean that the investigator is advocating for that parent.

Also remember that the custody investigator’s recommendation is **NOT** a decision. The report and recommendations are to help the judge and are only part of the evidence that the judge considers in making a custody/visitation determination.

When your case goes to trial, you will have full opportunity to question the investigator about the investigation and recommendations. You will be able to present arguments challenging or supporting the investigation, and to present evidence in support of your own position regarding custody/visitation.

If you have concerns about your custody investigation you should:

- Discuss your concerns with your attorney.
- Contact the custody investigation supervisor or the area court administrator, in person or in writing.

You have the right and ability to challenge the contents of the custody investigator’s report in court, including any concerns you have about the investigation process.

For more information about court custody investigation contact:

Anchorage

Custody Investigator Office
303 K Street, Room 204
Anchorage, AK 99501
(907) 264-0428

Fairbanks

Custody Investigator Office
101 Lacey Street
Fairbanks, AK 99701
(907) 452-9360

Ketchikan

Custody Investigator Office
415 Main St., Room 308
Ketchikan, AK 99901
(907) 225-9876

For more information about this publication, please call the
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Anchorage, Alaska 99501