

## **CUSTODY STUDY INFORMATION PACKET AND INSTRUCTIONS**

You have been court ordered to undergo a custody study by the Office of Family Court Services. This packet provides you information about the process and procedures of the Office of Family Court Services, as well as instructions to complete various forms enclosed in this packet.

### **PURPOSE OF THE EVALUATION**

- To collect pertinent information on family background, interactions and relationships, along with needs of the children and other relevant parenting factors to fully evaluate your family system.
- After the above information is collected, the evaluator(s) will apply the facts about the family to the relevant law contained within the family code, and make written recommendations for a custody and placement plan to the court.
- The custody study is sent to the court and utilized by the Court Commissioner and/or Judge in making a final order on placement and custody.
- NOTE: The appointed Guardian ad Litem (attorney representing the best interests of the child) is NOT a part of this evaluation. Though it is not uncommon to consult with the GAL, have the GAL present for meetings or share records, the GAL creates a separate report and makes recommendations independent of the ones produced by the Office of Family Court Services.

### **GENERAL PROCEDURE INFORMATION**

- By local rule, the custody study will be completed and submitted to the Court within 90 days from the time the custody study was initially ordered, unless the court issues a discretionary extension of 30 days to the evaluation team upon request.
- You will be assigned a team of one or two evaluators, depending upon the nature of the issues. In the event you have two evaluators, one evaluator will be considered ‘primary’, and will be responsible for all scheduling and maintaining of the file. Any contacts with the office outside of an appointment should be directed to that primary evaluator.
- All interviews of the parents, children or other significant individuals will take place during normal business hours (8 a.m. to 12 p.m.; 1 p.m. to 4:30 p.m.) and are generally non-negotiable, unless otherwise agreed upon by the evaluator(s). Parents will be given appointment times in advance to assist them in making accommodations for employment and/or childcare.
- Interviews will last approximately 1.5 to 2 hours, with the exact number of interviews being case dependent. Other individuals may be interviewed during the course of a custody study (i.e. step-parents, significant others, grandparents, adult siblings, references, etc.). This is at the discretion of the evaluator(s). The evaluator(s) will also decide at which age a child(ren) to the case will be interviewed in the Office of Family Court Services. Parents may not be present during these interviews.
- **You are under a court order to comply with the procedures of the Office of Family Court Services—failure to attend as scheduled will result in a re-referral to Court and potential sanctions if found in contempt for failure to abide by the order.**

- Home visits will be conducted at the discretion of the evaluator(s) and will only be done if the parent lives within 50 miles of Oshkosh. All animals must be kenneled or enclosed elsewhere for these home visits. Alternate arrangements to collect the type of information gathered at home visits may be made for anyone residing outside of the 50-mile radius.
- If you previously waived the confidentiality of mediation, your mediation file will be available to the evaluator(s) conducting the study. If confidentiality is not waived, the mediation file remains confidential. The custody study file is NOT confidential, and materials contained in that file may be disclosed pursuant to a subpoena when properly filed with the department. Be advised, however, that all medical records and/or psychological evaluations may not be released unless the court issues an order to do so.
- If you provide documents to the evaluator(s), they will not be returned to you. Please either provide a copy or notify the evaluator(s) in advance if an original document must be returned to you. In the latter event, your evaluator(s) may make copies.
- Once the custody study is completed and submitted to the court, it is the property of the court and the Office of Family Court Services will not compile additional information or make additional recommendations absent an order to do so. If there are objections to the contents of the custody study, the objections may be addressed at the time of the contested hearing on custody and placement, or as otherwise allowed by the court.
- Once the custody study has been submitted, the attorneys (or unrepresented parties) will be notified that it is available by the court.
- **The contents of the custody study are to be viewed only by those listed in the court order that accompanies the study once released. Allowing prohibited persons to view the custody study may result in the court finding you in contempt.**

## FEES

- The court has ordered each parent to pay a retainer fee of \$400. The evaluator(s) bill against this amount at the hourly rate of \$40. You will be billed for personal interviews, telephone interviews, home visits (with travel time) and the drafting of the report, which includes a review of all relevant collateral information collected by the evaluator(s).
- If the evaluator(s) exceed the ordered retainer fee, you will receive an invoice for the additional amount due when the study is submitted to the court. If the evaluator(s) do not exceed the amount, a refund will be remitted to you if the retainer was paid before the completion of the study. **All payments should be remitted to the Clerk of Courts Office.**
- A financial waiver form is enclosed in this packet if you feel your income may entitle you to a full or partial waiver of associated fees. The form must be filled out, signed in the presence of a notary, and returned to the office of Family Court Services for review. In order to be considered for a waiver of fees, the form must be complete with attached paystubs (see waiver) and returned within 30 days of the time the Court issued the order for the custody study. Any submission of waivers after that point will only be considered at the discretion of the Director of Family Court Services. **This waiver form must be submitted even if you already completed one during the course of mediation.**
- Parents are responsible to pay any additional costs of obtaining records from outside agencies necessary for the completion of the custody study, even if the study fees themselves are waived.

- Fees associated with reproducing contents of a file pursuant to a subpoena will be billed to the respective client/attorney at the duplication rate, per county ordinance.
- In the event that you cannot pay the fee due in one payment, you may contact the Finance Department to arrange a payment plan. Failure to pay the fee may lead to a civil judgment against you. The judgment may be collected by a collection agency or tax intercept.
- **All parents will be charged at the hourly rate for missed appointments, regardless if associated fees have been waived.**

### **EXPECTATIONS OF THE PARENTS**

- All forms contained in this packet will be filled out completely, signed and returned to the evaluator(s) **at least two days prior** to your initial interview.
- To appear for all scheduled appointments and to make all necessary adjustments to the placement schedule you currently follow to allow the evaluator(s) to complete interviews with the children and conduct home visits in a timely manner.
- To notify any personal references submitted that, though the evaluator(s) will attempt to keep their names confidential, they may be required to appear at a later contested hearing by the attorney(s) involved.
- To provide the evaluator(s) with updates if events occur within the family while the evaluation is on-going that may have an impact on placement or custody. NOTE: The evaluator(s) will not provide parents with advice or feedback. The appointed Guardian ad Litem or the representing attorney is the appropriate party to take action to change court orders. This is NOT the role of the evaluator(s).
- To provide collateral information, including signing releases to allow the evaluator(s) access to third party records, to support any allegations made about the other parent or to support your rationale for a position. NOTE: The evaluator(s) may, if appropriate, disclose directly to the other parent any information obtained in your personal interview and will allow the other parent to address allegations raised. This provides a forum for both parents to fully address their view of the family system.
- To provide to the evaluator(s) all evidence that you believe is relevant, be it in the form of the interview(s), documentation, or referrals to collateral sources.

### **CONTACT INFORMATION**

- Family Court Commissioner's Office: (920) 236-4791
- Family Court Services Office:
  - Kimberly Fleming (Administrative Associate) – (920) 236-4762
  - Chris Demos (Manager) – (920) 236-4796
  - Barb Effertz-Doherty (Mediator) – (920) 236-4793
  - Jill Burchardt (Mediator) – (920) 236-4794
- Clerk of Courts: (920) 236-4848
- County Treasurer: (920) 236-4777
- Courthouse (Automated System): (920) 236-4800