

Preparing DV Survivors for a Custody Evaluation

Joyanna Silberg, PhD, Elizabeth Samson, and the DVLEAP Custody and Abuse TA Project

Keep these points in mind as you navigate the evaluation process:

Be aware of the evaluator's potential biases.

- Unfortunately, evaluators are often trained to seek evidence of alienation and high conflict, bitterness, anger and jealousy, and coaching, and may be quick to interpret your words and behavior through that lens. Give them zero material to work with.
- **Be on time and do not change appointments.** Evaluators like cooperative people, and this is the first impression you will make on them.
- Keep in mind that the evaluator's job is to elicit information and they are trained to appear empathetic. Don't mistake that as a signal that they like you or agree with you. Just stick to factual descriptions of behavior as explained below.

Pay attention to WHAT you say...

- Focus on the children and their needs. Show the evaluator how thoughtful and child-centered your parenting is and that your life is organized around supporting them in every way.
- Emphasize specific ways your parenting shows your values—honesty, integrity, hard work. This is something you can work on with your lawyer prior to the evaluation.
- Acknowledge that you feel it is very important for your children to have a relationship with both parents, **as long as it's safe.**
- Do NOT waste any of your limited time on issues of the relationship, breakup, the abuser's current partner, or anything irrelevant to the issue of your child's safety and your strong parenting.
- Make sure that what you are telling the evaluator is consistent with whatever else the evaluator will see. (For example, don't say you have quit smoking when there is a pack of cigarettes in your pocket.) Be honest; on testing questions, don't try to outthink the test.

... and HOW you say it.

- *Describe* behavior (“I heard my child say...”); *do not interpret* behavior (“I know she is being abused...”).
- Make it clear that you are not concluding abuse—you just have information to share. (“This professional concluded this meant the child was abused and I can't think of another explanation of why the child would say this. I am open to other possibilities that might make sense.”)
- Do not use psychological jargon (psychopathic, anti-social, etc.).
- Act humble. Listen respectfully to the evaluator's views and opinions if offered, don't openly disagree.

Use your lawyer as a resource.

- Before the evaluation, prepare with your lawyer to determine the best way to emphasize the most important details of your situation.
- Make sure your lawyer is well-versed in the appropriate use of tests for psychological examinations, as well as how survivors of domestic abuse tend to respond to these tests. Make sure he or she is willing and able to cross-examine a bad evaluator.
- Speak with your lawyer before you provide the evaluator with any supporting documents or references, or VIDEOS. Videos almost always backfire.
- Rather than question instructions or policy during the evaluation, make a note to have your lawyer clarify later. If the evaluator asks you to sign something that you find concerning, tell the evaluator that your attorney asked to review any papers before you signed them but that you will mail them back promptly.

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