

Legal Decision-Making and Family Evaluations/Assessments

Definition of a Comprehensive Legal Decision-Making Evaluation

A comprehensive Legal Decision Making evaluation (CLDME) is a process in which both parents and their children are seen for an evaluation resulting from changes in relationships. This in-depth study is generated to assist the Court in making findings and orders for the family and can only be done by court order. Comprehensive Legal Decision Making evaluations are ordered when there are questions that can include one or more of the following: significant drug and alcohol abuse; family violence and child abuse; allegations of significant mental health problems in one or both parents; questions of parental fitness; concerns about alienation against one parent; requests by one parent to move with the children away from the other parent; and general concerns about significant conflict between the parents and its overall impact on the children.

In a comprehensive evaluation, the court-appointed mental health professional will meet with each parent and the children, together and separately, review court records and other paperwork submitted by the parties, and speak with collateral witnesses who have contact with the family (teachers, etc). Depending on the provider and the details of the case, psychological testing, parenting questionnaires, and home visits may be part of the evaluation.

Comprehensive Legal Decision Making Evaluation Report

At the end of the evaluation, a report will be written with the evaluator's observations, findings, and conclusions. The report addresses the concerns and provides a detailed recommendation on the issues presented, with supporting reasons and facts. Additionally, reports can have specific ideas about ways to reduce conflict in the future so the court can fashion orders consistent with them even if it goes beyond Legal Decision Making/parenting time.

Reports are submitted directly to the Court and attorneys, if represented, or the parties if they are representing themselves, unless the evaluator asserts extraordinary circumstances (imminent life threat, potential for serious harm to a person related to the case).

Arizona Family Law and Rules 25--406G requires reports to be mailed at least 10 days prior to the Court hearing, but the Judge may set other deadlines.

Arizona Family Law and Rules 25--403A outlines the 10 factors that the Court should consider when determining or modifying Legal Decision Making, and therefore all Legal Decision Making evaluation reports should address those factors.

- 1 The wishes of the child's parent or parents as to Legal Decision Making.
- 2 The wishes of the child.
- 3 The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.
- 4 The child's adjustment to home, school and community.
- 5 The mental and physical health of all individuals involved.
- 6 Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.
- 7 Whether one parent, both parents, or neither parent has provided primary care of the child.

- 8 The nature and extent of coercion and duress used by a parent in obtaining an agreement regarding Legal Decision Making.
- 9 Whether a parent has complied with chapter 3, article 5 of this title.
- 10 Whether either parent was convicted of an act of false reporting of child abuse or neglect under 13-2907.02.

Scheduling Comprehensive Legal Decision Making Evaluations

The evaluator should not have ex-parte (action taken without notice to the adverse party or participation by that party) discussions with the parties and/or counsel, but should conduct all communication through conference calls or conferences, unless agreed upon otherwise by the parties and counsel. The evaluator may have ex-parte contact with the Court regarding scheduling matters.

Attorneys for both parties or the parties if representing themselves should make contact with the evaluator to make appointments; the Court will not make the appointment. All arrangements for appointments, cancellations, payment of fees, termination of service, and other related matters of service quality and delivery are between the Provider and the client.

Each party has the right to call the evaluator as a witness to testify at a subsequent hearing/trial.

LIMITED FAMILY ASSESSMENT

A limited family assessment (LFA) is designed to be focused and narrow in scope. Typically, there will be limited interviews and observations with parents and their children; less than a comprehensive Legal Decision Making evaluation. The evaluator will review select paperwork, have fewer external interviews (teacher, babysitter, etc.) and no psychological testing or home visits are completed. Examples of situations when the Court will order an LFA include: the appropriate parenting plan when the Court has already made a finding of child abuse, a finding of substance abuse, or estranged from a parent (or in a paternity case when the father has not had contact) and there is a (re)unification plan desired by the court; changes since the last comprehensive evaluation that may require a modification in the parenting plan; and the type of access best for a young child when there is a long-distance between the parents, but both parents are considered fit. Reports are submitted directly to the Court and attorneys, if represented, or the parties if they are representing themselves, unless the evaluator asserts extraordinary circumstances (imminent life threat, potential for serious harm to a person related to the case). The report that is generated focuses on specific, defined areas.

If you have questions about this process, please ask Ms. Quinlan.