

# How to Work with GALs and Parenting Evaluators

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## Introduction

If you are involved in a divorce, parentage (paternity) or nonparent custody case where the other parent disagrees with you, the judge may appoint a Guardian ad Litem (GAL) or Parenting Evaluator.

A GAL may be a lawyer, social worker, or psychologist, or community volunteer (Court Appointed Special Advocate or CASA). The judge may appoint a parenting evaluator instead of a GAL.

Whether the judge appoints a GAL or an evaluator will depend on:

- the parents' financial resources
- your county's lower-fee or free GAL/evaluation resources
- specific issues in your case

**Examples:** The judge might appoint a Family Court Services social worker to your case as a parenting evaluator. The evaluator may also be a psychologist or psychiatrist in private practice.

**GALs and private parenting evaluators** generally charge hourly for their time. The judge may order one or both parties to pay those fees. If both parents are low-income, the court can order the county to pay for the GAL. Or you can file a motion for the judge to waive the GAL fee for you. Our [Your Family Law Case: If You Cannot Afford the GAL Fee](#) packet has forms and instructions.

A **CASA GAL** is a volunteer. The CASA program does not charge parties for that GAL's time.

**Family Court Services** charges a sliding-scale fee to both parents, depending on each parent's income.

No matter how/whether the GAL or evaluator is paid, a GAL's job is to represent or investigate your children's interests in the court case. The judge appoints a GAL to represent your child's best interests, and to advocate for those best interests to the court. The GAL should be served with all legal papers and hearing notices, and generally must appear at those hearings.

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- ❖ The GAL does not represent you or the other parent.
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A parenting evaluator does an investigation of each parent and the children to find out what is in the children's best interests and makes a recommendation to the court, but is less involved in the case. An evaluator does not actually represent your child's interests.

Both a GAL and a Parenting Evaluator will make recommendations about:

- which parent should have custody
- how much visitation the other parent should have
- whether the judge should order either parent to do other things (such as drug treatment) in order to be able to spend time with the children

Use this publication if you already have a GAL or parenting evaluator assigned to your case. If you would like to know more about GALs and evaluators, including more about the differences between their roles, the rules that govern them, and how to get a GAL or an evaluator appointed to your case, read our publication called [Guardian Ad Litem in Family Law Cases](#).

The GAL/Evaluator’s investigation and report are very important. The judge will often follow their recommendations.

You may feel the investigation is intrusive. You may feel it is unfair for someone to evaluate your parenting skills at a time when your family is going through the trauma of separation (or domestic violence). You may feel the GAL/evaluator does not understand what it is like to have limited financial resources. The person on your case will not have time to get to know your family well. S/he must draw conclusions based on his/her own impression and the opinions of others.

Even so, **taking part in the evaluation is very important**, especially if you are representing yourself and/or cannot afford to hire experts to present evidence in your case. The GAL or parenting evaluator’s report is a chance to get the judge to take seriously information important to you.

Every GAL and Evaluator is different. This publication suggests some general things you can do to better the chance of getting a good evaluation. It may be hard or impossible for you to follow all of these suggestions. Just being aware of these expectations can help you get ready for this experience. In the following section, “GAL” and “evaluator” mean whomever the judge has appointed to investigate the parenting situation in your case.

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❖ **GALs are “mandated reporters.”**  
State law requires GALs to report a family to law enforcement or CPS when the GAL believes a child in a family s/he is investigating has been abused or neglected.

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## How can I make a “good impression?”

### **Try to be on time. Be quick to respond.**

Keep your appointments. Be on time. If you must cancel, call the evaluator/GAL as soon as possible. Explain why you have to reschedule. Return calls and paperwork right away.

**Put on a calm front.** In the interview and during every call with the evaluator, try to be polite and calm. You may ask questions and disagree politely with your evaluator if you have to. Try not to lose your temper, even if you think the evaluator is rude to you. The GAL will not have much time to get to know you. S/he may form an opinion of you based on your conversations.

**Do not “attack” or badmouth the other parent or others.** Do let the GAL/evaluator know about the other parent’s problems, especially those things that may cause (or have caused) harm to the children, such as domestic violence against you, or abuse of the children.

- Simply state your concerns about the other parent as calmly and reasonably as possible. Do not attack the other parent personally.
- Give the evaluator any written evidence you may have. **Examples:** police reports, Protection Orders, and so on.
- Give the evaluator names and current contact information for witnesses with direct knowledge about your strengths and the other parent’s problems. Make sure these witnesses know the evaluator may contact them and will agree to talk about your situation.
- Collect written statements from your witnesses, if requested. Have your

witnesses be cooperative with the GAL/evaluator.

**Focus on what is good for the children.** The evaluator/GAL's job is to find out what is in the children's best interests – not what is in yours or the other parent's best interest.

**If you do not understand, ask.** If you do not understand something in the evaluation process, ask for help. If there is a questionnaire you must fill out and you are having trouble, ask your community advocate, lawyer, friend or relative for help. If the evaluator tells you to do something, or asks you a question you do not understand, ask the evaluator to explain.

**Have the right amount of contact with the GAL or evaluator:** You may call him/her with questions or new information. Do not overwhelm the GAL by calling every day, or by stopping by his/her office without an appointment. The evaluator or GAL will take every contact with you into consideration when writing his/her report. Try to be respectful of the GAL's time. Then the GAL may be respectful of your time as well.

**How can I address issues that may be important to the GAL or the judge?**

**Accept responsibility for your own problems. Admit your mistakes.** You should usually admit any problems that you have up front. In most cases, the evaluator will find out about them anyway. (The other parent probably knows what they are!)

**Take advantage of parenting resources. Get help for yourself.** Often, the evaluator will recommend parenting classes for one or both parents. Get a head start. Sign up for classes on your own. Free or low-cost classes may be available. Ask the evaluator for suggestions. Many parents find that getting counseling for themselves and their children helps during a

stressful family law case, especially if the children have witnessed domestic violence or have been abused. Ask your evaluator about organizations that provide counseling.

**If you have a mental illness, work to stabilize your condition. Try to keep it stable.** The fact of your mental illness does not automatically mean the judge will take your children away. You should try to keep your illness stable to show you will be able to provide consistent, safe parenting for your children. If you have prescriptions, take them regularly. Go to any counseling that an expert has recommended for you. If you have a doctor, counselor or advocate who can explain your illness to the evaluator and say good things about your stability and parenting skills, have that person contact the evaluator.

**Try to keep stable housing if possible.** If you move around a lot, it may look like you cannot offer the children a stable home. (**Note:** If you are moving to avoid domestic violence, tell the evaluator that.) Sometimes you must move due to financial or other problems. Do what you can to help the children cope with the move. **Examples:** take them to counseling. Get their teachers to help ready them for a new school.

**Make sure your children are up-to-date on medical care.** If you do not have health insurance, you may be able to get Medicaid for your children or subsidized health insurance. Apply at [www.wahealthplanfinder.org](http://www.wahealthplanfinder.org).

**If you can, try to take part in the children's school.** Do what you can to get your child to school regularly and on time. Try to take part in the children's school events. Try to go on field trips or other events. Make sure you go to parent-teacher conferences. If you are limited English speaking, you have the right to ask the school to provide an interpreter so

you may effectively go to teacher-parent conferences and other school events.

**Be careful about new relationships.** This might seem unreasonable. However, your life is under a microscope right now. Any problems your new boyfriend/girlfriend has will reflect on you, especially if it could somehow hurt the children.

#### **FOLLOW THE RULES:**

##### **Be consistent in visiting with the children.**

If the children do not live with you but you have visits with them, go to the visits consistently – even if they are supervised visits and you do not like that. Be on time for picking them up and dropping them off. Do not miss a visit unless you really have to. Supervised visits can be expensive. Try to find a way to pay for them. (**Examples:** gather resources. Borrow money from family. Ask for a child support credit, or try to find a neutral person to supervise who will not charge you for it.) This will show the children and the judge your concern for your children.

##### **Do not deny the other parent court-ordered visitation without very good reason.**

If the children live with you and the other parent has court-ordered visits, let the other parent visit unless you have a very good reason that you have not told the judge before. If you must cancel a visit because of an emergency (**example:** the child is too sick to go), let the other parent know as soon as possible. Offer to arrange a make-up visit. If you cancel the other parent’s visit because you believe the child will not be safe (**example:** the other parent smells as if s/he has been drinking when s/he shows up), try to change the visitation schedule or parenting plan legally. Make a motion in court, or try to get an emergency ex parte order allowing the change, as soon as possible. Do not take matters into your own hands if you can avoid it.

**Follow the court orders.** The judge may have ordered you to get a drug/alcohol evaluation, to go to parenting class, or get batterer’s treatment. **Do what the court orders as soon as possible**, even if the other parent is not obeying the order. Be persistent. It might take several weeks to get an appointment. Even if you think you do not have the problem the other parent is claiming, get any evaluations the court order recommends. This can be frustrating, especially when the judge has ordered you to do many different things. However, if you have a problem, such as substance abuse, that the judge might think interferes with your parenting, an evaluation or treatment is your chance to address it before the judge makes a final custody decision. If you do not have the problem the judge has ordered evaluated, you can use the information you get from the evaluation to prove it.

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❖ The court and GAL/evaluator expect you to obey its orders. They are likely to draw a negative conclusion about you if you do not.

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#### **Get Your Evidence Together:**

- **Be active.** Do not rely on the evaluator to gather information that helps you. Do what you can to get that information to the evaluator.
- **Gather witnesses.** As soon as possible after you find out who the evaluator/GAL is, give the evaluator a written list of names, addresses and phone numbers of everyone with helpful information about you as a parent (or about the other parent’s problems). These are your “witnesses.” The best witnesses are “professionals” or “neutral” people such as teachers, counselors, doctors,

daycare providers, landlords, and so on. Friends, neighbors and family are also helpful. Some evaluators will not contact witnesses who are not involved with you or your family professionally. Make sure you let your witnesses know the GAL or evaluator might be contacting them. Make sure this is okay with your witnesses. Explain to your witnesses that they must return the GAL/evaluator's phone calls right away. (The evaluator may not have the time to try to call multiple times.) If the evaluator does not contact a witness you think has important things to say, ask the witness to write a declaration, letter or statement that describes you as a parent, about the other parent's problems, or about the children. Give the evaluator the other parent or parent's lawyer each a copy. File the original with the court. Keep a copy with your records. **Keep in mind:** under the law, both parents may look at the evaluator's file. If you have a reason the other parent should not know a witness's name or address, you must blank out that information on the other party's copy of anything you send to the evaluator. An evaluator might overlook safety and confidentiality for you and others. You must bring these issues to the evaluator's attention.

- Gather records. Gather as much written evidence as you can to show you are a good parent, or to support your claims about the other parent's abusive conduct or other problems. The evaluator will not do this for you! **Keep in mind:** the other parent and his/her lawyer will have access to all or most of the information you give the evaluator.

Some documents that can help prove the other parent's abusive conduct/substance abuse/violence:

- criminal records
- police reports
- medical records (yours, even if you did not tell the doctor that the other parent caused the injuries; also the children's, if related to abuse)
- sex offender treatment records for the other parent
- protection orders, no-contact orders, including the petition for protection order and any declarations you used to get the order (even if the orders have expired)
- protection orders or other family law records about the other parent abusing another spouse/partner or other children
- pictures of you or the children with bruises or injuries
- apology or hate letters the other parent wrote you

Some documents that can help regarding your parenting:

- school attendance records and grades; daycare records showing you picked up or dropped off the children
- medical records showing you took the children for medical care
- certificates from parenting classes and so on
- declarations from teachers, counselors, daycare providers, babysitters, coworkers, doctors, neighbors, friends, or relatives about your parenting skills

**Help the evaluator understand you.** Some evaluators have little experience with people who are different from them. If you are a refugee or immigrant, a person of color, or are culturally or religiously very different from the average white American, the evaluator may not understand your culture. If possible, look for someone from your community or church to speak with the evaluator and explain some of the cultural dynamics the evaluator may not understand.

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❖ **Example:** It is common in your culture for parents to allow children to stay for extended periods with grandparents and other relatives. You could ask someone from your community to talk with the evaluator about that.

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Professionals (such as community advocates or teachers) make the best witnesses, but even a neighbor or friend could help.

### **How do I get ready for the interview?**

**Ask for an interpreter (if needed).** You or a friend can contact the evaluator several days before the interview to ask for an interpreter for you. **You should not have to pay for an ASL (sign language) interpreter.** If you have trouble speaking English, you may need to pay for your language interpreter if you can afford it. (Interpreters charge between \$25 and \$70 per hour.) If the evaluator will not provide an interpreter, you may need to make a motion asking the judge to appoint a free interpreter during the interviews. The judge may not agree to pay for a language interpreter. If s/he refuses your request, contact the CLEAR line at 1-888-201-1014.

**Appearance is important.** The evaluator may want to interview you and the children at your

home. Make sure it is clean. If the evaluator will see your car, clean it up too. The evaluator may check that the children have a bed to sleep in, toys and books, and clean clothes. This may seem invasive, but it is important in the evaluation process.

**Watch your actions and your words.** If the children are present, the evaluator will watch how you interact with them. Evaluators are frequently impressed by:

- discipline that focuses on setting limits, withholding privileges and not involving spanking
- speaking in a calm manner with no harsh words or threats

The children should not run wild around the house while you and the evaluator are talking. If you need to, take time out to discipline them. You need to be in charge. Evaluators also look to see if the children seem comfortable with you.

**Do not coach the children.** The evaluator will probably interview your children alone, if they are old enough. Never tell the children what to say if the evaluator questions them. Never give your children any detail about court proceedings or the parents' allegations against one another. Just let the children know it is okay to speak with the evaluator and that the evaluator might ask them some questions.

### **What should I do after the interview?**

**Keep in touch with the evaluator.** Check in once every two weeks or so. Ask if the evaluator has had trouble contacting your witnesses and whether s/he got the information you sent.

**Ask for a copy of the report.** Sometimes the evaluator/GAL will not finish the report early. S/he will have it waiting for you when you go

to your next court hearing. You can ask to get a copy of the report as far in advance of the next court hearing as possible. Offer to go pick it up if needed. The earlier you get the report, the more time you will have to prepare a response for the hearing and bring other evidence to court if needed.

If you receive the report before a hearing, try to respond in writing to any mistakes you believe the evaluator made. You will usually respond using a Declaration. Explain what you disagree with. Point out any discrepancies in the report. You must provide any written response to all parties, the GAL, and the court (including a “working papers” copy for the judge) before the hearing. The GAL must provide the report at least 60 days before trial.

For temporary family law orders hearings, the investigator often submits the Family Court Services report the day of the hearing. Ask the judge for more time to read the report if needed. If you feel you must explain or clarify anything in the report, explain that you must do that.

If the investigator submits your report with a motion or with papers before a hearing, be ready to point out whatever you think the report got wrong, or emphasize the recommendations you agree with. Until the judge has entered the report’s recommendations in the form of an order, they are not official.

If you disagree with a negative GAL report, talk to a lawyer about what to do. Read our publication [When you Disagree with a Guardian Ad Litem Report](#). If you are very low-income, call CLEAR at 1-888-201-1014 weekdays from 9:15 a.m. until 12:15 p.m. If you live in King County, call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm.

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