

# How to Work with GALs and Parenting Evaluators

## Should I read this?

Yes, if both of these are true:

1. you are involved in a divorce, parentage, nonparent custody, or parenting plan case
2. you already have a GAL or parenting evaluator assigned to investigate your case

To learn more about GALs and evaluators, and getting a GAL appointed to your case, read [Guardians Ad Litem in Family Law Cases](#).

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❖ We use both “GAL” and “evaluator” here to mean whomever the judge appointed in your case.

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## Do I have to take part?

This question is understandable. You may feel this is intrusive. You may feel it is unfair for someone to evaluate your parenting skills when your family is going through separation or domestic violence. You may feel the GAL does not understand what not having money is like. The GAL will not have time to get to know your family well. They must make conclusions based on their own impression and the opinions of others.

## You still have to take part.

**Taking part in the evaluation is very important.** This is especially true if you are representing yourself and/or cannot afford to hire experts to give evidence in your case. The GAL report is a chance to get the judge to take seriously info important to you.

Every evaluator is different. We suggest here general things to help get a good evaluation. It may be hard or impossible for you to do all of them. Just being aware of these expectations can help you get ready for this experience.

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- ❖ **GALs must report a family to law enforcement or CPS when** the GAL believes a child in a family they are 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 appointments. If you must cancel, call the evaluator 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 in every call with the evaluator, try to be polite and calm. You can ask questions and disagree politely 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. They may form an opinion of you based on your conversations.

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

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

**Focus on the children.** The evaluator’s job is to find out what is in the children’s best interests – not 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 you must fill out a questionnaire and are having trouble, ask your community advocate, lawyer, friend or relative for help. If the evaluator tells you to do something or asks a question you do not understand, ask them to explain.

**Have the right amount of contact with the GAL.** You can call with questions or new info. Do not call every day. Do not stop by their office without an appointment. The evaluator takes every contact with you into consideration. Respect the GAL's time. Then they may also respect yours.

### **Address issues that may be important to the GAL or judge.**

**Accept responsibility for your problems. Admit your mistakes.** You should usually admit up front any problems you have. 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. Getting counseling for yourself and your children may help during a stressful court case, especially if the children have witnessed domestic violence or been abused. Ask your evaluator about organizations providing counseling.

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

**Try to keep stable housing.** If you move around a lot, it may look like you cannot give the children a stable home. (**Note:** If you are moving to avoid domestic violence, tell the evaluator that.) You might have to 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.

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

**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 school events. Try to go on field trips or other events. 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 can effectively go to teacher-parent conferences and other school events.

**Be careful about new relationships.** Unfortunately, your life is under a microscope right now. Any problems your new partner has will be bad for you, especially if it could hurt the children.

### **Follow the rules:**

**Be consistent in visiting the children.** If they do not live with you but you have visits, go consistently. Keep going even if they are supervised visits and you do not like that. Be on time to pick up and drop off. Do not miss a visit unless you really have to. Supervised visits can cost a lot. Try to find a way to pay for them.

(**Examples:** gather resources. Borrow money from family. Ask for a child support credit. Try to find someone neutral to supervise who will not charge you.) This will show the children and judge your concern for your children.

**Do not deny the other parent court-ordered visitation without very good reason.** If you have the children and the other parent has court-ordered visits, let them visit unless you have very a good reason you have not told the judge before. If you must cancel a visit due to an emergency (**example:** child is too sick to go), tell the other parent as soon as possible. Offer a make-up visit. If you cancel because you believe the child will not be safe (**example:** the other parent shows up smelling like she has been drinking), try to change the visitation schedule or parenting plan legally. Make a motion in court, or ask for an emergency ex parte order allowing the change, right away. Do not take matters into your own hands if you can avoid it.

**Follow court orders.** The judge may have ordered you to get a drug or alcohol evaluation, 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. Keep at it. It might take several weeks to get an appointment. Even if you think you do not have the problem, get any evaluations the court order recommends. This can be frustrating. The judge may have ordered you to do many things. However, if you have a problem, such as substance abuse, that the judge thinks interferes with your parenting, this 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, the info you get from the evaluation can prove it.

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- ❖ The court and GAL expect you to obey court orders. They will probably draw negative conclusions about you if you do not.
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## Get Your Evidence Together:

**Be active.** Do not expect the evaluator to gather info that helps you. Do what you can to get that info to the evaluator.

**Gather witnesses.** As soon as possible after finding out who the evaluator is, give them a written list of names, addresses and phone numbers of everyone with helpful info about you as a parent (or about the other parent’s problems). These are your “witnesses.” The best are “professionals” or “neutral” people such as teachers, counselors, doctors, daycare providers, landlords, and so on. Friends, neighbors and family can also help. Some evaluators will not contact witnesses who are not professionally involved with you or your family. Let your witnesses know the GAL might be contacting them. Make sure this is okay with them. Explain that they must return the evaluator’s phone calls right away. (The evaluator may not try to call multiple times.) If the evaluator does not contact a witness you think has important info, ask the witness to write a declaration, letter or statement describing you as a parent, the other parent’s problems, or the children. Give the evaluator and other parent (or their lawyer) each a copy. File the original with the court. Keep a copy with your records. **Under the law, both parents can look at the evaluator’s file.** If there is a reason the other parent should not know a witness’s name or address, blank out that info on their copy of anything you send 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.** Get as much written evidence as you can to show you are a good parent, or to prove the other parent’s abusive conduct or other problems. The evaluator does not do this for you! **The other parent and their lawyer will have access to all or most info you give the evaluator.**

Some documents that can help prove the other parent’s abusive conduct, substance abuse, and/or violence:

- criminal records
- police reports
- medical records (yours, even if you did not tell the doctor that the other parent caused the injuries; 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 or partner or other children
- photos 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, person of color, or are culturally or religiously different from the average white American, the evaluator may not understand your culture. Look for someone from your community or church to speak with the evaluator and explain cultural dynamics the evaluator may not understand.

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❖ **Example:** In your culture, it is common for parents to let children stay for long 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 to 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 do this. **You should not have to pay for a sign language interpreter.** If you have trouble speaking English, you may need to pay for a 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 for a free interpreter during the interviews. If the judge refuses to pay for this, 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. The evaluator may check that the children have a bed to sleep in, toys and books, and clean clothes. This may feel invasive, but it is important.

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

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

Do not let the children run around wild while you talk with the evaluator. If you need to, take time 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. Never give your children any detail about court proceedings or the parents' allegations against each another. Just tell them it is okay to speak with the evaluator and that the evaluator might ask them some questions.

## After the interview

**Keep in touch with the evaluator.** Check in every two weeks or so. Ask if they have had trouble contacting your witnesses. Ask if they got the info you sent.

**Ask for a copy of the report.** The GAL must provide it at least 60 days before trial. The evaluator might not finish the report early. You can ask to get a copy of it as far in advance of the hearing as possible. Offer to go pick it up. The earlier you get it, the more time you have to prepare a response for the hearing and bring other evidence to court if needed.

When you get the report, try to respond in writing to any mistakes you think the evaluator made. You should usually use a Declaration. Explain what you disagree with. Point out any discrepancies in the report. You must give any written response to all parties, the GAL, and the court (including a “working papers” copy for the judge) before the hearing.

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 want to explain or clarify anything in the report, explain that you must do that.

If the investigator submits the report with a motion or with papers before a hearing, be ready to point out whatever you think the report got wrong, or say which recommendations you agree with. The report’s recommendations are not official until the judge enters them in the form of an order.

If you disagree with a negative GAL report, talk to a lawyer. Read [When you Disagree with a Guardian Ad Litem Report](#). If you have a very low income, call CLEAR at 1-888-201-1014 weekdays between 9:15 a.m. - 12:15 p.m. If you live in King County, call 211 for info and referral to a legal services provider weekdays between 8:00 am – 6:00 pm.

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