

ADMITTED
MARYLAND AND D.C. BARS

David@BachFamilyLaw.com

Custody Witness Checklist

I. Witness and Knowledge of the Case

1. Name and address?
2. Number of children of witness and ages?
3. How long have you known client?
4. How often do you see the client with the children of the parties?
5. What are the circumstances under which you see the children--visit the home, etc.?
6. Have you seen the children interact and associate with your client? And with the spouse?

II. Fitness of the Parents

1. What is the character and reputation of the parties?
2. Has either parent exhibited an adulterous relationship to the children?
3. Has either parent exhibited an inability to hold a job? Why does he change jobs? How long is present job?
4. Has either parent exhibited a lack of stability?
5. Are the parents responsible or irresponsible?
6. Has either party ever voluntarily abandoned or surrendered this child or any other child?
7. Has either party ever failed to provide for or care for the children?
8. Does either party use alcohol to excess?
9. Does either party use drugs?
10. Has a party shown violence or quick temper to spouse or children?
11. Does a party use profanity around the children?
12. Is a party a poor housekeeper?
13. Can the party cook?
14. Is a party too old or infirmed to care for children?
15. Is a party subject to periods of depression, suicide threats or attempts, or other indications of emotional illness?
16. Does a party disparage or run down the reputation of the other party to the children?
17. Does one parent abuse the other, physically or mentally, in the presence of the child?
18. Has a parent ever interfered with the relationship of the other parent with the children, such as denied visitation?
19. What are the goals and values of each parent?
20. What is the lifestyle of each parent as a role model for the child?
21. Which parent can offer the children the best career motivation?
22. What is the economic situation of each parent, and ability to provide financially for the child?
23. What are the best and worst aspects of the other spouse?
24. What are the best and worst aspects of the client? What can the other spouse say about client?
(Bring out possible problem areas)

III. Child Factors (What is parent's involvement in each factor?)

1. What is the present de facto custody of the child?
2. What is the child's needs for continuity and stability?
3. What is the age, appearance, and sex of the child?
4. Describe the present living arrangements of the child.
5. Does the child have his own room, toys, and adequate clothing?
6. Describe the house and yard.
7. What is the child's physical and psychological/mental history?
8. Regarding the child's school, what is his or her school performance level, his or her participation and extracurricular activities, and the distance and transportation arrangements to school?
9. Are there any court or social service agency contacts?
10. What are the child's friends and social life like?

IV. Parent's Factors

1. Who cooks, cleans, and does the laundry?
2. Who makes medical and dental appointments and takes the child to the appointment?
3. Who attends school and extracurricular activities of the child?
4. Who puts the child to bed?
5. Who assists the child with homework?
6. Who takes the child shopping?
7. Who participates in religious activities with the child?

V. Family Factors

1. Age of the parents?
2. Occupation and work habits of the parents?
3. Economic situation of the family regarding income, neighborhood and home, lifestyle such as travel, recreation, and club memberships?
4. Number and age of siblings?
5. What is the relationship of the child with its siblings?
6. What is the relationship of the child with other relatives such as uncles and aunts, grandparents, and other relatives?

VI. Client's Relationships with the Child

1. What has been the role to date of each parent in nurturing and raising the child?
2. What is the relationship of the child with each parent?
3. Do they love each other?
4. What will be the home, school, and community environment of the child with each parent?
5. What is the availability of support systems of each parent?
6. What is each parent's plans for day-to-day care of the child?
7. What is the accessibility of extended family relationships in the living situation of each parent?
8. Have you seen the parent discipline the child?
9. What type of discipline have you seen administered? Was the discipline appropriate? How did

- the child react or respond to the discipline? Did the child receive the discipline s/he deserved? Can you give any examples of things that the child was disciplined for, the type of discipline, and why you feel that the discipline was deserved and appropriate?
10. What is the parent's involvement in any other facts in Part III? (Child Factors)

VII. Conclusion

1. Is client a good parent?
2. Is client a proper person, in your opinion, to have custody of the children?
3. Do you know of any reason why client should not have custody of the children?
4. Do you believe it would be in the best interest of the child for him or her to be placed in the custody of _____?