

## EXPLANATION OF A STUDY

### DANE COUNTY FAMILY COURT SERVICES

<https://familycourtservices.countyofdane.com/>

The Court has ordered a custody/placement study on behalf of your children. These studies provide the Court with information and recommendations to assist the Court in making decisions.

#### What happens during the study?

- **NEW COUNSELOR**  
If you had mediation, a different counselor will be assigned to conduct the study. The new counselor will not talk to the mediator nor read the mediator's notes.
- **FAMILY STUDY QUESTIONNAIRE**  
The study process will begin with each parent completing a Family Study Questionnaire.
- **INTERVIEWS AND INFORMATION GATHERING**  
Interviews will be conducted with the parents, their new partners and any other household members. The children will be interviewed and/or observed with each parent. In some cases the children may be interviewed at school. A home visit to each parent's residence may be scheduled. Collateral information will be collected from professionals who have had contact with the family members. For example, school teachers, physicians, therapists, employers, police departments, etc., may be contacted by the counselor. You may also provide up to five reference letters from people who know you and your children well.
- **OTHER ASSESSMENTS**  
Occasionally, if necessary, an alcohol/drug abuse assessment or a psychological/ psychiatric assessment from a private practitioner may be requested. The parents are responsible for the cost of such assessments.
- **GUARDIAN AD LITEM (GAL)**  
The Court may appoint a guardian ad litem to represent the best interests of your children. The GAL will be an attorney selected by the Court. A parent, an attorney or the Family Court Counselor may request the Court to appoint a GAL. The fees of the GAL are paid by the parents unless both parents are found to be indigent.

When the study process is completed, the counselor will make recommendations regarding legal custody and/or physical placement of your children. The factors which the counselor must consider are set forth in section 767.41(5) of the Wisconsin Statutes. They are printed on the next page. When you receive the recommendations, you will be asked to indicate whether you accept them or reject them.

If an agreement is reached, a written stipulation will be signed by the parties and approved by the Court. If an agreement is not reached, a trial will be scheduled by the Court. A trial will be preceded by either a status conference or a pretrial conference. At the trial the judge will listen to the testimony, consider the evidence and make a decision about legal custody and physical placement.

The study is a thorough process. The length of the study is related to the complexity of issues on the family. Your timeliness and cooperation will help us complete the study as quickly as possible.

## WISCONSIN STATUTES SECTION 767.41(5)

### **Factors in Custody And Physical Placement Determinations**

1. The wishes of the child's parent or parents, as shown by any stipulation between the parties, any proposed parenting plan or any legal custody or physical placement proposal submitted to the court at trial.
2. The wishes of the child, which may be communicated by the child or through the child's guardian ad litem or other appropriate professional.
3. The cooperation and communication between the parties and whether either party unreasonably refuses to cooperate or communicate with the other party.
4. Whether each party can support the other party's relationship with the child, including encouraging and facilitating frequent and continuing contact with the child, or whether one party is likely to unreasonably interfere with the child's continuing relationship with the other party.
5. The interaction and interrelationships of the child with his or her siblings, and any other person who may significantly affect the child's best interest.
6. The interaction and interrelationships of the child with his or her parent or parents and the amount and quality of time that each parent has spent with the child in the past, any necessary changes to the parents' custodial roles, and any reasonable lifestyle changes that a parent proposes to make to maximize placement with the child.
7. Whether any of the following has or had a significant problem with alcohol or drug abuse:
  - a. A party.
  - b. A person with whom a parent of the child has a dating relationship, as defined in 813.12(1) (ag).
  - c. A person who resides, has resided, or will reside regularly or intermittently in a proposed custodial household.
8. The children's adjustment to the home, school, religion and community.
9. The age of the child and the child's developmental and educational needs at different ages.
10. Whether the mental or physical health of a party, minor child, or other person living in a proposed custodial household negatively affects the child's intellectual, physical, or emotional well-being.
11. Whether any of the following has a criminal record and whether there is evidence that any of the following has engaged in abuse, as defined in s. 813.122 (1) (a), of the child or any other child or neglected the child or any other child:
  - a. A party.
  - b. A person with whom a parent of the child has a dating relationship, as defined in s. 813.12 (1) (ag).
  - c. A person who resides, has resided, or will reside regularly or intermittently in a proposed custodial household.
12. Whether there is evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (am).
13. The reports of appropriate professionals if admitted into evidence.
14. Any other factors that the court determines to be relevant.