

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT
PROCEDURES 330: CHILD CUSTODY INVESTIGATIONS AND SUPERVISION
RELATED TO CUSTODIAN OR VISITATION JUDGMENTS
SEPTEMBER 28, 1981

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== 330.1 Purpose

== 330.2 Definitions

330.3 Conducting the Investigation

- a) When the Department receives a written court order to perform a child custody investigation, Department staff (of the Region where the order was initiated) shall:
- 1) send form letter CFS 412 to the judge, and
 - 2) secure the necessary identifying information from the representative (e.g., attorney) of each party, i.e., address, phone number, the allegation(s), etc.
- b) During the child custody investigation, the worker shall:
- 1) secure factual information relevant to the proceedings from all parties involved in the child custody investigation,
 - 2) interview both parties of the proceedings, and other persons who may have information about the child and the potential custodial arrangement,
 - 3) interview the child when the child's age or understanding indicates that he/she understands the proceedings,
 - 4) send form letter CFS 413 and CFS 407 (R 11-77) if applicable, to the school the child(ren) attends,
 - 5) make at least one visit to the residence of the parties who are potential custodians to secure information related to the physical surroundings,

- 6) request, through the Regional Administrator, that a child custody investigation be conducted,
 - A) When one of the parties resides in a region other than where the investigation was ordered. The request by the Regional Administrator shall be in writing to the Administrator of the other Region;
 - B) When the party(ies) resides in an Illinois County served by another DCFS Region. The Region Administrator of the other Region who receives the request shall ensure that Department staff provide the requested information; or
 - C) When the party(ies) resides in another State. The Administrator/ Director of the appropriate public child welfare agency serving the county of residence shall ensure that the requested information is secured.
- c) A child shall be referred to professional personnel for diagnosis relative to custody only upon court order.
 - 1) When there is no court order, but a diagnosis relative to custody is indicated, a court order shall be secured PRIOR to making a referral for diagnosis.
 - 2) When deemed appropriate or necessary, staff may consult with any person who may have information about the child and the custodian arrangement. Staff shall secure the consent/signature of the child who is 16 years or older prior to consultation by completing CFS 600-3.

NOTE: In Cook County, the Court Support Unit Performs all child custody investigations for the Cook County court.

330.4 Custody or Visitation Supervision

When ordered by the court, Department staff shall

- 1) comply with the specific terms of the custodian or visitation judgment;
- 2) notify both parties in writing of the Department's supervisory role; and
- 3) submit a written report to the judge in accordance with the terms of the court order.

330.5 Report of Child Custody Investigation

- a) The completed report of a child custody investigation shall be mailed to the appropriate persons as specified in Part 330.5. The report IS NOT to be sent to the judge.
 - 1) Department staff shall
 - A) photocopy the case file concerning the child custody investigation (all data, reports, diagnostic reports, etc), including the names and addresses of all person

who were consulted for information related to the child and the potential custodial arrangement;

B) appear and give testimony at the hearing ONLY when subpoenaed to do so;

NOTE: It should be made clear to judges and attorneys that when the court has question about the suitability of both parents, the Guardianship Administrator cannot accept guardianship or custody of a child(ren) through a divorce or custody decree. Guardianship may only be awarded through Juvenile Court Act.

C) use the following format for the report of a child custody investigation; the first page of the report is to be typed on Department letterhead stationery.

Date(Month, Day and Year)

Name and Address (of legal counsel or name and address of the party if not represented by legal counsel)

Court No.

FATHER:

(Last & first vs. (Last & first
name & address)

MOTHER:

(Last & first
name & address)

CHILDREN:

(First names & birthdates)

CONFIDENTIAL Give the reason for making study as "This report is submitted in accordance with an Order of the Court to investigate both parties relative to custody of (indicate number) minor children. The hearing date is set for (indicate date, when known, or indicate that no hearing date has been set for this matter)."

PRESENT SITUATION: State the reason for the present action, whereabouts of the children; present living arrangements, present plan for their care and supervision. If a change of custody is required following a divorce/legal separation, give reason set forth for this change.

MOTHER: (Report should give objective information concerning mother).

Background: Age, place of birth, education, personal history, employment, health, religion, marital history, income, social adjustment and living arrangements. Comment on any unusual personality traits, her attitude toward family breakdown, children, and spouse from whom she is divorced/ separated or seeking divorce/separation.

Step-father: (If mother has remarried) brief background history, health, employment, his attitude toward children, and their adjustment to him.

FATHER: (Report should give same objective information as for mother).

CHILDREN: Age, health, attitude toward each parent, toward school (include a report from

the school using CFS 407 Rev. 11/77 and CFS 413), and any behavior problems. State the children's desires regarding custody if they are old enough to understand the meaning of divorce/legal separation. State the religion in which the children are being reared, and state whether both parents approve.

PLAN FOR CHILDREN'S CARE: Mother's plan:

Father's plan:

OTHER CONTACTS: Include a summary statement regarding each additional person contacted for information related to the child or the proposed custodial arrangement, i.e., social agencies, police, relatives, etc.

Signature of worker preparing report Title

== b)

330.6 Costs

The Regional Office shall:

- 1) send a CFS 414 to the court, indicating a breakdown of all costs incurred by the Department per Part 330.6 when a child custody investigation report is sent to the attorney(s) for the parties and monthly for custodian or visitation orders, attaching the statement received for court-ordered diagnostic assessments to the CFS 414 UNLESS the court had previously ordered one or both parties of the action to pay the cost for diagnosis,
- 2) pay for diagnostic assessments of the child when ordered by the court, (unless another party has been ordered to pay) via a C-13, Invoice-Voucher out of the Region's Children's Personal and Physical Maintenance budgetary line,
- 3) send a copy of the CFS 414 to the Office of Financial Management, One North Old State Capitol Plaza, Springfield, IL. 62706,
- 4) retain a copy of the CFS 414 in the Regional Office files, and
- 5) have either or both parties of the child custody investigation make checks or money orders payable to the Treasurer, State of Illinois, and send them to the appropriate Regional Office which shall forward the payment to the Office of Financial Management, (One North Old State Captiol Plaza, Springfield, Il. 62706), for recording as a collection prior to transmittal to the Treasurer.