

**Child and Family Services Policy Manual: Investigation  
Dissolution Proceeding – Child Custody Investigation/Report**

---

<b>Policy</b>	The Department of Public Health and Human Services will, when ordered by a district court and as allowed by Mont. Code Ann. §40-4-215 provide a home study to the court for those eligible. The home study should include both a CPS and criminal records check.
<b>Procedure</b> Child Protection Specialist	Child protection specialists shall begin the process of a home study only after they have received a copy of an order issued from a district court. A person eligible to receive this service must be a recipient of cash assistance under the temporary assistance for needy families block grant, FAIM financial assistance as defined in Mont. Code Ann. §53-1-902, food stamps or general relief. Other reasonable options for payment of the study by the parents must be exhausted. Verification of receiving public assistance can be obtained by the worker from the TEAMS system.
<b>Service Provision</b>	When the court order is received, Department staff will start the home study process in a timely manner. The study process and report usually takes less than 60 days. The Department, however, must first provide mandated services. Therefore, because of other service priorities, the home study process may take longer than 60 days.
<b>Time Extension</b>	When the court establishes a time frame in the court order which the child protection specialist cannot meet, the child protection specialist shall negotiate changes with the attorneys or the judge. It is preferable to obtain an amended order which sets forth the new time limit.
<b>Home Study Process</b>	The child protection specialist should study the physical environment (home) of both parents. The child protection specialist should interview each parent separately at least twice (home and DPHHS office). Parents should also be seen together. Children should be interviewed and/or observed in the home environment of both parents as well as without parents present. School and/or day care providers should also be contacted. References from both parents must be solicited and contacted. The child protection specialist should ensure that the parents have adequate employment or sources of income to support the child(ren). Exceptions to the study process must be discussed with the immediate supervisor and reasons documented in the case file.
<b>Investigator's Duties</b>	In preparing his or her report concerning the child, the investigator may consult any person who may have information

**Child and Family Services Policy Manual: Investigation  
Dissolution Proceeding – Child Custody Investigation/Report**

---

about the child and potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or child's custodian. The child's wishes should be considered and consent must be obtained if the child has reached the age of 16 unless the court finds that he or she lacks mental capacity to consent. Costs of any evaluations or consultations are the responsibility of the parties to the action.

**Form of the Report** The report should include the following:

- Cause Number
- Parties to the Action
- Name of Agency
- Name
- Address
- Phone Number of Child protection specialist
- List of persons contacted (dates and type of contact - phone, home visit, office, etc.)

Section I. Physical Environment

Describe briefly each home setting - space, housekeeping, neighborhood, child focus, obvious dangers or hazards, etc.

Section II. Parents

- the wishes of the parent(s) regarding the child's custody;
- the mental and physical health of all individuals involved;
- physical abuse or threat by one parent against the other parent or the child;
- chemical dependency, as defined in Mont. Code Ann. §53-24-103, or chemical abuse on the part of either parent.

Section III. Children

- the wishes of the child as to his or her custodian;
- the interaction and interrelationship of the child with his or her parent or parents, his or her siblings and any other person who may significantly affect the child's best interests;
- the child's adjustment to home, school and community;

**Child and Family Services Policy Manual: Investigation  
Dissolution Proceeding – Child Custody Investigation/Report**

---

and

- the mental and physical health of the children.

Section IV. Reference  
Checks

Note all persons contacted and their comments (preferably written).

Section V. Child  
protection specialist's  
Recommendations

The child protection specialist should clearly separate facts and conclusions. A statement indicating which parent should, in the child protection specialist's opinion, have custody and the reasons for the recommendation must be included.

**Case File**

The investigator shall make the investigator's file available to the attorneys and all parties not represented by attorneys. The investigator may be called as a witness at the custody hearing. A complete file of the investigator's reports, notes and activities shall be made and kept in the local DPHHS office.

**CAPS**

When ordered by the Court to complete a divorce custody home study, enter this request on RRD1, using 'CFS' as the category. When the study is completed, enter the end date on RRD1 and the action taken as 'HOS'.

**References**

Mont. Code Ann. § §40-4-212 and 40-4-215.