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## **FAMILY-LAW EVALUATIONS: WHICH ONE DO YOU NEED? (ILLINOIS AND IOWA)**

This page is an informational guide for parents, attorneys, and judges who are trying to identify the correct type of evaluation for a family-law matter. It is not legal advice. The court order and the written referral questions control the scope of any evaluation.

### Terminology note (state-to-state):

In Illinois, the court typically uses “allocation of parental responsibilities,” which includes parenting time and significant decision-making responsibilities. In Iowa, the court commonly uses “custody” terminology, including legal custody and physical care. Even though the words differ, the practical question is often the same: what information does the court need to make a best-interests decision?

## **SECTION 1: START HERE (THE FASTEST WAY TO PICK THE RIGHT EVALUATION)**

1. If you need best-interests recommendations about parenting time and decision-making (Illinois) or custody/physical care (Iowa), you are usually looking for a comprehensive child custody evaluation (Iowa) or a parenting time/parental responsibilities (allocation) evaluation (Illinois).
2. If the court order specifically references Illinois Supreme Court Rule 215 (Illinois) or Iowa Rule of Civil Procedure 1.515 (Iowa), you are looking for a court-ordered mental examination, with scope and conditions defined by the order. This may overlap with parenting-capacity-type questions, but it is not automatically a full custody/parenting-time evaluation.
3. If the case is about changing an existing order (modification), you may need a change-of-custody / change-of-parenting-time (modification) evaluation that focuses on what has changed since the prior order or prior evaluation.

If you are unsure, do not guess. The most efficient solution is to provide the court order (if any) and the specific referral questions in writing so the scope can be clarified before scheduling.

## **SECTION 2: TYPES OF EVALUATIONS (WHAT EACH ONE CAN AND CANNOT ANSWER)**

## **A) LITIGATION-FOCUSED PSYCHOLOGICAL EVALUATION OF A PARENT (LIMITED SCOPE)**

What it is: A psychological evaluation of a parent in a legal context, typically aimed at diagnostic clarification and functional conclusions rather than best-interests parenting-time/custody recommendations.

What it answers well: Diagnoses and functional impairment (and, when requested/appropriate and within scope, related treatment-relevant conclusions).

What it typically does not answer: Best-interests custody/parenting-time recommendations, comparative opinions between parents, or child-parent relational conclusions without child/interpersonal data.

## **B) PARENTING CAPACITY EVALUATION (SINGLE-PARENT FOCUSED; VARIOUS NAMES)**

What it is: An evaluation that links a parent's psychological functioning (mental health, personality functioning, stress tolerance, judgment, coping) to parenting capacity and potential impairments. Depending on the referral question and authorization, it may be completed with or without direct child involvement.

What it answers well: Whether and how psychological factors may affect a parent's ability to provide safe, stable, and developmentally appropriate care; strengths, vulnerabilities, and risk-management needs for that parent.

What it usually does not answer (unless the scope explicitly requires it and sufficient child/interpersonal data are collected): Full best-interests custody/parenting-time recommendations, comparative "which parent is better" opinions, or detailed conclusions about the child's relationship dynamics with each parent when the child is not meaningfully included.

Typical time frame (example only; varies by case): Approximately 4–5 hours of testing/assessment time for the evaluated parent, with a report often in the single-digit to low double-digit page range. Completion time depends on record availability, collateral requirements, and scheduling.

## **C) COURT-ORDERED MENTAL EXAMINATION MECHANISM (NOT AUTOMATICALLY A CUSTODY EVALUATION)**

Illinois: Supreme Court Rule 215. Iowa: Rule of Civil Procedure 1.515.

What it is: A court-ordered examination process used when a person's mental condition is "in controversy," with scope and conditions defined by the court order.

What it answers: Only what the order/referral questions authorize and what the available data support.

Practical limits: A Rule 215 / Rule 1.515 exam can overlap with parenting-capacity-type issues if the order asks those questions. However, it is not automatically a full child custody/parenting-time evaluation because it may not include child interviews, parent-child interaction observations, or the broader best-interests framework.

#### **D) CHILD CUSTODY EVALUATION (IOWA) / PARENTING TIME AND PARENTAL RESPONSIBILITIES EVALUATION (ILLINOIS)**

What it is: A comprehensive, interactional, multi-source evaluation designed to assist the court with best-interests decisions. It is broader than a single-parent evaluation because it typically examines parents, children, and the parent-child relationships, not just diagnoses.

Typical components (depending on the order/referral questions and authorizations):

Psychological evaluation of parents as needed; child interview/assessment (developmentally appropriate); parenting skills and family functioning assessment; collateral contacts; records review; parent-child interaction observations; and, in some cases, home/environmental observations when clinically relevant and authorized.

What it answers well: Best-interests-relevant strengths and risk factors; how each parent's functioning affects parenting and the child; practical recommendations responsive to the referral questions.

What it cannot do reliably without child/interpersonal data: Detailed conclusions about the child's relationship patterns, contact refusal/resist-refuse dynamics, alignment dynamics, or "compatibility" questions if the child is not meaningfully included.

Typical time frame (example only; varies by case): Often several weeks to a few months depending on scheduling, record volume, and number of participants. Reports are often longer than parenting-capacity reports and are typically drafted after all evaluation components are completed.

#### **E) CHANGE-OF-CUSTODY / MODIFICATION EVALUATION (IOWA) OR CHANGE-OF-PARENTING-TIME/DECISION-MAKING EVALUATION (ILLINOIS)**

What it is: A custody/parenting-time evaluation focused on changes since the prior order or prior evaluation. Core question: What has materially changed, what remains stable, and what is the impact on the child?

How it differs from an initial evaluation: The time frame is anchored to the prior order/prior evaluation, and records/collateral information about post-order functioning often become central. The evaluation focuses on current functioning and post-order patterns rather than re-litigating the entire history.

### **F) “PARENTAL ALIENATION” / RESIST-REFUSE DYNAMICS / UNDERMINING BEHAVIORS (USUALLY A SUBTYPE OF CUSTODY/PARENTING-TIME EVALUATION)**

What it is: An interactional, multi-layer, multi-source evaluation focus when a child resists or refuses contact and the legal system needs an informed analysis of contributing factors and impact on the child.

Important practical point: This type of question cannot be responsibly answered by testing only one parent. It typically requires child involvement and an interactional framework (observations, collaterals, and records). Terminology varies, and conclusions must stay tied to the referral questions and the data collected.

### **SECTION 3: THERAPY IS NOT EVALUATION (WHY THIS MATTERS IN COURT CASES)**

Therapy and evaluation serve different purposes. Therapy is treatment. A forensic or court-involved evaluation is an assessment process intended to answer defined legal/referral questions. Treating providers are generally not positioned to recommend changes to custody/parenting time/physical care based solely on therapy without a properly scoped evaluation, because treatment work does not typically collect the structured, multi-source data needed for best-interests opinions and because dual roles can create conflicts and confusion.

### **SECTION 4: WHAT WE NEED BEFORE SCHEDULING (THIS PREVENTS SCOPE PROBLEMS)**

To ensure the evaluation is legally useful and matches the court’s needs, we require written clarification of scope before scheduling:

- 1) The court order (if one exists) and the exact written referral questions.

- 2) The legal issue being addressed (Illinois: parenting time and/or decision-making; Iowa: custody/legal custody/physical care; initial vs modification).
- 3) Who is included (one parent vs both parents; which children; any other caregivers).
- 4) Deadlines (hearing dates and disclosure deadlines). Note: In Illinois, 604.10 evaluation reports are commonly expected to be distributed well in advance of the allocation hearing, so deadlines matter.
- 5) Authorization and method for records release and collateral contacts (if those are part of the requested scope).
- 6) Any special conditions required by the court order (location, observers, recording restrictions, required notices, etc.).

#### **SECTION 5: A PRACTICAL WARNING (MOST COMMON MISMATCHES)**

- 1) “I want a custody recommendation, but I only want one parent tested.” That is usually a mismatch. Best-interests opinions typically require interactional data.
- 2) “I want an opinion about parental alienation, but I do not want the child involved.” That is usually a mismatch. Resist-refuse dynamics require child and relational data.
- 3) “I want a quick letter for court.” A court-useful evaluation requires defined referral questions and sufficient data. Quick letters frequently do not answer the court’s question and often create more conflict than clarity.

#### **NEXT STEP (IF YOU ARE STILL UNSURE)**

If you are not sure which evaluation applies, contact our office and provide (1) the current court order (if any) and (2) the exact question(s) the court is trying to answer. We will respond with a scope recommendation so the evaluation matches the legal purpose and is usable to the court.