

**BEXAR COUNTY CIVIL DISTRICT COURT
GUIDELINES FOR COMPREHENSIVE SOCIAL STUDIES**

The following guidelines specify the content and format of comprehensive Social Studies in disputed Suits Affecting the Parent/Child Relationship, pursuant to Texas Family Code Chapter 107, Subchapter D, as amended by the 80th Texas legislative session, effective September 1, 2007. These Guidelines specify the local implementation of the standards established in Chapter 107, Subchapter D, Texas Family Code and are to be used for providing recommendations to the Bexar County Civil District Courts regarding conservatorship, possession or access to a child.

Evaluators should be aware that regardless of any local requirement contained in these guidelines, they are obligated to comply with all provisions of Texas Family Code Chapter 107, Subchapter D, including but not limited to the elements of a social study set forth in **Appendix B. (attached)**.

A SOCIAL STUDY MUST INCLUDE THE FOLLOWING:

Formatting: Document formatting: Type-written, 1” margins, 11-12 point Times New Roman or Arial font, single-spaced (unless otherwise specified). Report must include a cover page formatted according to **Appendix A**.

I. Purpose of Investigation

In this section, the evaluator introduces her- or himself, the child(ren) who are the subject of this suit, and states the general purpose of the study and criteria for the evaluation. Language from the Order for Social Study should be used as a reference.

EXAMPLE: As ordered by this Court on the ____ day of _____, 20__, now comes JOHN SMITH, LMFT, and files the following Social Study concerning the circumstances and condition of the child(ren), JOHN QUINCY PUBLIC and JOAN AMBER PUBLIC, and of the home of any person[s] requesting managing conservatorship or possession of the child(ren). This social study was prepared pursuant to Bexar County Civil District Court Guidelines for Comprehensive Social Studies established by the Bexar County Juvenile Board, approved August 14, 2007, and in conformance with Texas Family Code Chapter 107, Subchapter D.

II. Legal Background Relevant to the Current Evaluation

Four to five sentences giving a brief background or overview of the parents’ history together, previous court actions and what they are now seeking. This is a summary letting the court, attorneys and parties know the evaluator’s understanding of the issues in the case. This should include present and past custodians of the child(ren).

EXAMPLE (For Original Petitions for Divorce): The parties married (or began a live-in relationship) in 1999, a child was born in 2001, and they separated in 2002. In 2003, the mother filed for divorce. Temporary Orders were issued in April, 2003. Both parties are seeking primary conservatorship of their child. At the time of Temporary Orders a Social Study was ordered to investigate the circumstances of the child and the parties.

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EXAMPLE (For Modification of an Existing Order): The parties were divorced in 1999, with the mother named as primary managing conservator and the father ordered to pay \$500 per month child support. In August 2003, the father filed a motion to modify conservatorship based on the child’s statement of preference to live with him. A social study was ordered when the Motion to Modify conservatorship was filed.

III. Identification of Parties and Significant Others

The purpose of this section is to identify each party by name and to affix a title to each party that is clear and consistent throughout the body of the Social Study. Repeat the same for Interveners, stepparents, and live-in partners.

EXAMPLE: Jane Doe is the biological mother of the child(ren) subject(s) of this suit, hereinafter called mother.

IV. Composition of the Report—Procedures/Contacts

Provide a double-spaced chronological list that includes the following dates: when the case was assigned; office and home interviews with the parties; interviews with professional and non-professional collaterals and references; any records review, such a criminal, Texas Department of Public Safety, TDFPS, civil, school and psychological reports; when the social study report was completed. Include the office called/visited and the name and title of the person who provided the information and the document reviewed, the date of the document, and where it originated.

Minimum Standards for Interviews

All interviews are to be conducted in accordance with Section 107.0514, Texas Family Code **(Appendix B)**. A comprehensive social study should require at least eight to ten hours for investigating the circumstances of each parent. This does not include additional time for report writing. The evaluator should spend roughly equal time with each party seeking primary conservatorship of the child(ren).

EXAMPLE:

07/15/03 – date of Social Study Order

07/20/03 – office visit (name of mother/father)

07/25/03 – office visit (name of child and parent who brought child)

07/31/03 – home visit (mother/father)

08/02/03 – phone interview – name of professional collateral, title, school, or agency associated

08/02/03 – phone interview – name of non-professional collateral, relationship to party

08/07/03 – reviewed report – list name and date of report, and where it originated

12/05/03 – Social Study completed

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V. Marital/Relationship History

This is a chronology of the parties' marital/relationship history and factors precipitating separation(s). Give a brief history of when the parties met, when they married, separated, and the cause of final separation. Detailed information is not needed unless it involves behavior detrimental to the ability of that parent to care for the child(ren). If this is an updated or post-judgment investigation, information prior to the date of the last order concerning conservatorship should be minimal. Do not include verbatim examples of hearsay information regarding the problems in the relationship that does not add to the evaluation of the current situation—this information can be summarized.

VI. Background and Information Regarding Petitioner—Name of Petitioner (father/mother)

- a. Brief history of childhood, marriages and other children, major life events that could impact ability to care for child(ren), current employment and current or future relationships. Include a similar paragraph for stepparents, fiancées or live-in partners.
- b. **History with TDFPS. REQUIRED for all household residents age 14 or older. Forms can be obtained through TDFPS and processed through their office.**
- c. Alcohol and drug history
- d. Medical and psychological history. Specifically question if there is a history of sexual and/or physical abuse.
- e. Financial Circumstances of the Party
- f. **Criminal History. REQUIRED for all household residents age 14 or older.** The circumstance of the case dictates the level of criminal background investigation.
- g. History of Domestic Violence

VII. Background and Information Regarding Respondent—Name of Respondent (father/mother)

Same as paragraph VI, above.

VIII. Residences/Physical Environment of Each Party

- a. *Petitioner—Name of Petitioner:*
Home visits will be conducted in all social study cases. The purpose of the home visit varies according to the allegations in the individual case. The main concern in a home visit is to evaluate the safety and appropriateness of a home for the child(ren). Make note of the presence or absence of developmentally-appropriate toys, recreational and educational materials. It is also an opportunity for the evaluator to observe the child(ren) and parent interacting in a more natural setting. The mental health professional shall determine if there are any safety hazards within the home, if there are adequate sanitation standards within the home.

The minimum information to be gathered during a home visit is as follows:

- i. Address of the home.
- ii. The type of structure.

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- iii. Names and ages of occupants.
- iv. Sleeping arrangements.
- v. Description of children's rooms.
- vi. Condition of the home.
- vii. Type of neighborhood.
- viii. Other information related to the allegations of the case.

b. Respondent—Name of Respondent:

Same as paragraph VIII.a., above.

IX. Stability of the Parties

a. Petitioner

The evaluator should address the employment history of parent, if the parent has had frequent moves, transferred the child(ren) to several schools, or if the parent has left the child(ren) with numerous caregivers. Additionally, the evaluator should consider each parent's financial history. Will the parent be able to care for the child(ren) financially? (e.g., has the parent been evicted from a home, declared bankruptcy, and/or paid child support in a timely manner).

b. Respondent

Same as IX.a., above.

X. Discussion of Parenting History/Capacity

a. Petitioner

This section includes the evaluator's observations and assessments regarding the relationship between the parent and child(ren).

Specific areas to be assessed by the evaluator during structured and unstructured circumstances include:

- i. Child's affection toward the parent, child's compliance with parental directions.
- ii. Level of parental stimulation.
- iii. Parental encouragement of child autonomy.
- iv. Parental attunement to the child's feelings/needs.

Parents may be given age appropriate structured tasks to complete with their child(ren) or the observation may be more open-ended (e.g., child(ren) 6-10 years may be asked to complete a project with their parent; such as, building a box or garden out of various materials provided by the evaluator).

Evaluators should be cautioned to consider factors that may impact the quality of the parent/child interaction (e.g., if the child is young, time of day; child's health; if this is the first or second time the child has met the evaluator).

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Other issues to be addressed (from interviews and observations) within this section:

- v. What is this parent's relationship with the child(ren) and basic philosophy about child-rearing?
- vi. Refer to any physical, mental, or emotional limitations the parent might have.
- vii. Refer to any participation in the child's care, including developmental milestones (e.g., toilet training, entry into school, etc.).
- viii. Each parent is asked to report on his/her perceived strengths and weaknesses as a parent.
- ix. Each parent is asked to address any particular concerns about the child(ren) and plan to address these concerns (e.g., school performance, mood, peer relationships).
- x. Discipline techniques. Give specific examples of situations and strategies applied (can also explore hypothetical parenting situations).
- xi. Describe the parent's expectations for the child(ren) regarding rules/chores, educational achievement, and social development. Are the expectations developmentally appropriate?
- xii. The activities the parent participates in with the child(ren) in the community.
- xiii. The relationship with the child(ren) and the extended family.
- xiv. What activities the parent shares with the child(ren).
- xv. How parent displays pride in the child(ren).
- xvi. Religious/Spiritual orientation of parent and values, morality, and life goals that are shared with child(ren).
- xvii. Physical/Emotional availability for the child(ren).
- xviii. Describe the party's childcare plan and whether it meets the developmental needs of the child(ren). Include a discussion about whether or not the party has a social support system that helps maintain the child care plan.

b. *Respondent*

Same as paragraph X.a., above.

XI. Information Regarding the Child(ren)/Desires of the Child(ren)

In this section begin by detailing the interviews with each child.

EXAMPLE: NAME OF CHILD was interviewed individually on two separate occasions, once when brought to the office by her mother, and once when brought by her father. She was interviewed jointly with each of her parents, and observed at the home visit of each of her parents.

Follow this with details of information obtained during the interviews. For each child, address the following topics:

- a. Physical and developmental descriptions of the child.
- b. Documentation regarding the child's medical and psychological history.

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- c. School history documentation and the socialization of the child.
- d. The impact this situation has had on the child.
- e. Needs (physical, psychological, recreational, etc.) of the child, including special needs.
- f. Who has been the primary caretaker of the child?
- g. The parent's perception of their relationship with the child.
- h. Whom the child sees as his/her primary caretaker.
- i. What are the child's feelings toward, and how does the child interact with each parent?
- j. What negative events concerning the dispute have been witnessed by the child?
- k. What is the child's relationships with significant others (stepparents, grandparents, siblings, etc.)?
- l. How does the child feel about periods of possession with each parent?
- m. To whom does the child feel closest? Why?
- n. What is the child's perception of rules and discipline?

Additionally, this is an opportunity for the evaluator to explore the child's perception of rules and discipline with each parent. The **child's own stated preference** concerning conservatorship and access should be explored, but the evaluator should refrain from asking child(ren) directly about the child(ren)'s preferences. Even implied preferences must be considered carefully. The context of Affidavits of Choices should be assessed but considered cautiously. The maturity or unique circumstances of the child could be a factor in this situation but more importantly the evaluator should assess the influence applied by the parent upon the child concerning the Affidavit. The evaluator should also assess the nature and extent of coercion and duress used by a parent with the child(ren) to influence their perspective regarding conservatorship.

XII. Concerns of the Parents:

In this section, the evaluator addresses the specific concerns of each parent regarding the other. This section should also address each parent's reason for wanting primary conservatorship.

- a. *Name of Petitioner*
Describe concerns in narrative or list format.
- b. *Name of Respondent*
Describe concerns in narrative or list format.

XIII. Parent's Responses to Concerns:

In this section, the evaluator presents the parent's responses to concerns. Throughout the interviews, the evaluator has made each parent aware of the other parent's concerns and provided both parents with opportunities to explain their individual perspectives.

- a. *Name of Petitioner*
Describe (in narrative or list format) petitioner's responses to respondent's concerns.
- b. *Name of Respondent*
Describe (in narrative or list format) respondent's responses to petitioner's concerns.

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XIV. Evaluator's Assessment of Concerns:

In this section, the evaluator assesses the stated concerns of the parents, offers any other pertinent observations obtained during the course of the study and integrates findings from many sources to determine if the specific concerns/allegations are valid.

XV. Ability to Appreciate the Role of the Other Parent in the Child(ren)'s Upbringing:

This section addresses issues such as the parent's abilities to **communicate** and **cooperate** with one another on issues relevant to the growth and development of the child(ren). Specifically, the evaluator should explore with each parent:

- a. What they like about the other parent and how their feelings about the other parent might affect the child(ren).
- b. What each parent does that contributes to the problems between this parent and the other parent.
- c. How each parent currently makes decisions with the other parent about school, doctors, vacations and religious training.
- d. How school or medical information is shared between the parents.
- e. How parents manage being at the same event with their child(ren).
- f. How different rules in each household are discussed.
- g. What each parent is saying to the child(ren) regarding the other parent, especially in regard to conservatorship and/or possession time.
- h. Does each parent's home contain pictures, gifts, or mementos from the other parent that would indicate support for the child's relationship with that other parent?

Further, this section should address each parent's **appreciation of the dangers of the child(ren)'s exposure to and involvement in the parental conflict of the divorce**. Are the children used as a "go-between" for communications between the parties? Do the parties question the child(ren) about the circumstances of the other parent? The evaluator should also assess the nature and extent of coercion and duress used by a parent in seeking to obtain an agreement regarding conservatorship.

XVI. Collateral Information:

Collateral information is independent information received from disinterested non-parties, which may support, confirm, disprove or contradict information provided by the parties. Collateral information is usually obtained from sources that have no direct interest in the outcome of the case; collateral sources are generally professionals who have factual information to provide (for example: police, doctors, nurses, teachers, childcare providers, psychologists/counselors, etc.), but may also include non-professional persons who have relevant, significant information about the case, such as ex-spouses, adult children, neighbors, etc. Whenever possible, collateral information should be sought by evaluator with regard to allegations that are outcome determinative (meaning, if the evaluator could confirm or disprove a specific allegation in the case, it would impact the evaluator's recommendation).

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XVII. References

References should not be confused with collateral sources. References provide information regarding the parents' character and parenting abilities, usually based on a personal relationship and personal observation. References usually know the parent well and, because there is a personal relationship, have an interest in the outcome of the case, which makes the information provided biased information. The information provided should be considered and weighed in light of the reference's relationship with the parent and in light of any other information gathered in the case.

XVIII. Summary

- a. This section addresses the evaluator's assessment of the validity of the concerns or allegations presented by the parent. It should flow from the body of the report, and include objective and factual data to support or refute parent's allegations.
- b. Comment on whether or not there is sufficient information available to determine if a concern is valid. If sufficient information does not exist, the evaluator should defer these matters for a determination by the Court.
- c. Includes the evaluator's impressions of the family dynamics, systemic issues and a hypothesis regarding what is in the best interests of the child(ren).
- d. Give strengths of each party as well as the weaknesses. Be balanced, fair and respectful.
- e. Emphasize the needs the children have and whom and how those needs will best be met.

The evaluator must state the basis for all conclusions and recommendations. Additionally, this section should include an explanation of how the evaluator's recommendations may impact the child(ren).

Summarize in this section. Do not include detailed word-for-word information that is already in the report. If necessary, refer back to the appropriate section for more detailed information. Be sure any additional information is included in the body of the report before being added to the summary

Consideration of the following overview of some of the significant issues can be helpful in formulating the best plan for the children.

- a. The child(ren)'s needs based on considerations of chronological age, sex, and any special needs, arising from educational, physical and/or emotional issues regarding the child(ren).
- b. The quality of the parent-child relationship between the persons seeking conservatorship of the child(ren) in question.
- c. The parenting ability of each party to the suit and their capacity for meeting the child(ren)'s needs.
- d. The parties' plan for conservatorship and the potential of the plan to provide for the child(ren)'s appropriate development.
- e. The capacity of the parties to maintain a child oriented environment.
- f. The stability of the home of each person seeking conservatorship, and each person's ability to maintain continuity for the child(ren).
- g. Willingness of the parties to allow the child(ren) to continue a relationship with significant persons in the child(ren)'s life.
- h. The parties' historic involvement with the child and previous parenting responsibility.

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- i. Relevant acts (especially concerning child abuse or domestic violence) or omissions of the disputants and any excuse for the acts or omissions.
- j. The child's feelings and preferences.
- k. Concerns or allegations of each of the disputants and their impact on parenting.

XIX. RECOMMENDATIONS:

This section can be included in the Summary section and can be in bullet or numbered format. The basis for each recommendation or conclusion The evaluator should also offer recommendations regarding possession time, including supervised visitations-exchanges, placement schedule and other features of a parenting plan (co-parenting, mediation, referrals to agencies, community resources, counseling, etc.) to guide the family toward resolution of conflict.

Guidelines for Evaluators - Information to Provide to Parents:

Evaluators must provide parents with information regarding the process of the evaluation. Evaluators should explain the following issues to parents in the first interview:

- a. **Scope of the Evaluation:** The evaluator should refer to the exact language of the Court Order for the social study.
- b. **Costs:** The evaluator should clarify how costs for the evaluation will be divided.
- c. **Interviews:** The evaluator should explain what interviews will be conducted. Additionally, evaluators should explain how much contact there will be with each participant and with the child(ren). If information will be collected from a party living outside of the immediate jurisdiction, the evaluator should explain how this information will be collected. The evaluator should explain what steps will be taken to ensure that there is a balance of input in this situation.
- d. **Written Material:** The evaluator should explain how written material is accepted and detail who will have access to written material.
- e. **Home Visits:** The evaluator should explain how home visits will be conducted (e.g., announced or unannounced).
- f. **Other Contacts:** The evaluator should detail how professional and personal collateral information will be obtained and reported (i.e., confidentiality, whether information will be gathered via in-person interviews or via telephone interviews).
- g. **Agency records.** Explain if law enforcement or other agency records will be obtained. Detail how will confidentiality issues be addressed regarding these records.
- h. **Settlement opportunities.** Explain if there is an opportunity for settlement in the midst of an evaluation, and what process will be used if the parents or evaluator feels a settlement is likely. Explain if a settlement conference is routine before preparation of the report or after the report is complete.
- i. **The report.** Explain how the report will be distributed and reviewed by the parties.
- j. **Evaluator's role.** Discuss what responsibility the evaluator has to the court in the event of a trial. Explain if the evaluator will testify. Explain if there will be additional costs to the parents/parties if the evaluator testifies in court.
- k. **Evaluator's experience.** Explain the credentials and licenses of the evaluator.

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- l. **Grievances.** Provide information on how to file a grievance with the Domestic Relations Office or the evaluator's licensing authority.
- m. **Confidentiality.** Explain the limits of confidentiality within the evaluation.

XX. OTHER REQUIREMENTS:

- a. All social studies shall contain a notarized signature page.
- b. All social study reports shall be filed with the Bexar County District Clerk's office. A copy of each report shall also be provided to the District Clerk for distribution to the Domestic Relations Office.
- c. Any substantive omissions from the report requirements must be explained and justified.
- d. A social study evaluator shall disclose to each attorney of record any communication regarding a substantive issue between the evaluator and an attorney of record representing a party in a disputed suit. This subsection does not apply to a communication between a social study evaluator and an attorney ad litem or amicus attorney. (TFC§107.0513(d))
- e. The report must include the name license number and basis for qualification under Texas Family Code Section 107.-0511 of each evaluator who conducted any part of the study.
- f. To the extent possible, a social study evaluator shall verify each statement of fact pertinent to a social study and shall note the sources of verification and information in the report.

APPENDIX A
Cover Page for Comprehensive Social Studies

Evaluator's Name
Professional Degree
License Number
Bexar County ID No.
Statutory Authority:*

SOCIAL STUDY REPORT
Cause Number

ENTER CASE STYLING FROM	§	IN THE DISTRICT COURT
	§	
CURRENT PLEADINGS	§	XXX JUDICIAL DISTRICT
	§	
RELATED TO THIS ACTION	§	BEXAR COUNTY

Bill Jones
Attorney for Petitioner

Mary Smith
Attorney for Respondent

Format: 12 point Arial or Times New Roman font, 1" margins.

APPENDIX B

TFC Sec. 107.0514. ELEMENTS OF SOCIAL STUDY.

- (a) The basic elements of a social study under this subchapter consist of:
 - (1) a personal interview of each party to the suit;
 - (2) an interview, conducted in a developmentally appropriate manner, of each child at issue in the suit who is at least four years of age;
 - (3) observation of each child at issue in the suit, regardless of the age of the child;
 - (4) the obtaining of information from relevant collateral sources;
 - (5) evaluation of the home environment of each party seeking conservatorship of a child at issue in the suit or possession of or access to the child, unless the condition of the home environment is identified as not being in dispute in the court order requiring the social study;
 - (6) for each individual residing in a residence subject to the social study, consideration of any criminal history information and any contact with the Department of Family and Protective Services or a law enforcement agency regarding abuse or neglect; and
 - (7) assessment of the relationship between each child at issue in the suit and each party seeking possession of or access to the child.

- (b) The additional elements of a social study under this subchapter consist of:
 - (1) balanced interviews and observation of each child at issue in the suit so that a child who is interviewed or observed while in the care of one party to the suit is also interviewed or observed while in the care of each other party to the suit;
 - (2) an interview of each individual residing in a residence subject to the social study; and
 - (3) evaluation of the home environment of each party seeking conservatorship of a child at issue in the suit or possession of or access to the child, regardless of whether the home environment is in dispute.

- (c) A social study evaluator may not offer an opinion regarding conservatorship of a child at issue in a suit or possession of or access to the child unless each basic element of a social study under Subsection (a) has been completed. A social study evaluator shall identify in the report any additional element of a social study under Subsection (b) that was not completed and shall explain the reasons that the element was not completed.