

Custody Investigations in Divorce Cases

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Most divorces are the result of private agreements between the divorcing spouses. Money, homes, personal property, custody of the children, are distributed by the parties with the help and advice of their lawyers, with only pro forma supervision by judges. But when the spouses fail to agree about custody (and in a very few cases where either one or both of the lawyers or the judge is concerned about future care of the children), or in cases where the parents' cultures are disparate or where the parents' (religious or social culture is not the jurisdiction's dominant one, judges and legislatures have adopted a great variety of non-legal techniques to help with assignment of the children to a custodian: guardianships ad litem. psychiatrist or psychologist consultation about the family; social worker investigation of the children and parents. This paper reviews the law and what is known empirically of the practice of the social work investigation aid to judicial custody decision-making.