

# Family Law Investigations

## Part I: Child Custody, Child Welfare, & Visitation

Family law matters can be among the most difficult and delicate to navigate. Emotions tend to run high. Unresolved conflicts can play out as parties use their intimate knowledge of their partners to manipulate, hurt, or control. The breakdown of relationships often results in a loss of trust which makes resolving legal matters more challenging. Add to that the influence of a potential third party (new partner, friend or intrusive family member), and family law matters can be downright despicable.



Many people realize that while it is acceptable to represent yourself in family court, hiring an attorney to guide them through the process is preferred. But what you may not know, is that most successful cases enlist the support of a highly trained private investigator. Whether you are the attorney representing clients or you are someone who is representing themselves in family court, the attorney led agents at Bearden Investigative Agency are here to help.

This is the first installment in a 3 part series highlighting the critical role private investigators play during family law matters:

- Part I: Child Custody, Child Welfare, & Visitation
- Part II: Child Support/ Asset Search
- Part III: Divorce/ Infidelity

## Part I: Child Custody, Welfare and Visitation

Any decent parent will tell you that their number one goal as a parent is to keep their child(ren) safe. After all, children are our most precious gift. When a parent strays from that notion and chooses to behave in a manner that jeopardizes their child's safety, it is crucial that a responsible party steps forward to protect them. The best way to provide protection during a family law matter is to provide facts and evidence. The only way to do that in a safe and legal manner is by enlisting the support of a private investigator.

The attorney-led agents at Bearden Investigative Agency are concerned with what is in the best interest of your child. They work tirelessly to obtain information and evidence to either support or refute claims of abuse or neglect. Some questions that arise during family law investigations that result in the need to conduct investigations and surveillance are:

- Is your child showing signs of abuse? Has their behavior suddenly changed?
- Is anyone using excessive discipline, physically or emotionally abusing your child?
- Is your child exposed to anyone that abuses drugs or alcohol?
- Who is your child exposed to? Are these individuals criminals or dangerous? Is your child exposed to criminal activity?
- Who is watching your child? Are they left in the care of an unqualified, unapproved or unlicensed provider? Is your child left in the care of an abusive person or someone who does not properly care for them?
- Is your child under the care of a reckless driver that drives under the influence or fails to use proper restraints (child seats and seatbelts)?

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## Types of Child Custody:

There are a number of different kinds of custody you might be fighting for and it's important to be well versed in the terminology.

- **Legal custody** - gives you the right to make decisions regarding what's best for your child.
- **Joint legal custody** - means both parents have a say in decisions about the child's life. If there is a serious disagreement that both parties can not resolve, the courts will have to get involved.
- **Physical custody** - means that the child will live in your house.
- **Joint physical custody** - means the child will live for part of the time at one parent's home and part of the time at the other parent's home. There are many variations of how that plays out with scheduling. (Primary custody with every other weekend, 50/50 custody, every other week, no overnights, some overnights, etc.)
- **Sole custody** - means that the child lives with you and you also have the legal right to make decisions. If you have sole custody, the other parent can still get visitation rights, but they won't be able to make decisions about the child or where they live.

## Court Considerations when determining Child Custody:



In order to determine these different types of custody arrangements, the court takes into consideration what is in the best interest of the child. There are many factors the court takes into account such as; which parent can best support the child, the safest living situation, and the physical and mental needs of both parent and child. The court will look at the parental stability and lifestyle. They will also consider whether either parent has a criminal record, evidence of neglect or abuse, history of drug or alcohol abuse, history of violent behavior, and many other factors.

Sometimes the decision is clear, such as in cases with documented abuse or neglect. Other times, the decision is made based on more subtle information. But always, there must be evidence to support claims.

## Why hiring a private investigator is crucial in Child Custody cases:

All too often, visitation/ custody arrangements in cases of divorce or separation are not necessarily in the best interest of the child. The court may not have had sufficient evidence at the time of determination to identify if there is an issue with either parent which then results in a situation where the child is potentially at risk. 99% of the time, a parent is aware of or suspects the issues but lacks the evidence to support their claims. Without enough evidence, it becomes a case of one parent's word against the other. And since hearsay doesn't factor into court hearings, the result is a ruling that potentially is not in the best interest of the child.

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**Our agents use the following methods to obtain the evidence you need in your Child Custody case:**

1. **Surveillance** – Our skilled agents will watch your child when they are away from your care. We document details pertaining to their schedule, locations, persons they are in contact with, etc. We use photographic and video evidence to document.
2. **Background Investigations** – We conduct a detailed background investigation of the other parent. Clients are almost always shocked at the "skeletons" we uncover.
3. **Curbside Evidence** – you can find out a great deal about a person and their lifestyle by carefully extracting evidence from their trash. Investigators go to the residence of the parent being investigated and search through trash cans that have been put out for collection. Investigators will then take one or more bags of trash back to examine the contents. Our agents are typically looking for things like:
  - "Shake" or remnants of controlled substances such as marijuana, cocaine, or methamphetamine.
  - Unusual amounts of drug precursors, such as large amounts of drain cleaner or other items that can be used to manufacture drugs.
  - Correspondence that shows who is living or working at the location
  - Ledgers or other documents or evidence that suggest drug sales or transactions may have taken place at the location.
  - Proof of employment or loss of employment
  - Prescription medications and if they have increased
  - Online spending habits
  - Quantity of alcohol consumption
  - Other evidence of criminal wrongdoing.
  - Evidence of scheduled appointments which then can help investigators time appropriate mobile surveillance when deemed necessary
4. **Witness Statements** – this is powerful evidence that can go a long way to help you in court. An investigator will help gather statements from independent witnesses that can verify the character, suitability, and conduct of the other parent.

As an independent and unbiased witness, the agents at Bearden Investigative Agency can accurately document, articulate and describe what they see and hear during a child custody/ child welfare investigation. Our attorney-led agents have a clear understanding of what is admissible in court and therefore can provide sufficient evidence when available to either refute or support claims in court. Enlisting the help of Bearden Investigative Agency can greatly influence the outcome of your child custody case. It could even save your child's life.

Contact an agent today at 1.800.943.2670 or email [info@beardenonline.com](mailto:info@beardenonline.com).

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