

PETITIONER:  RESPONDENT:	CASE NUMBER:
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**ATTACHMENT TO ORDER APPOINTING CHILD CUSTODY EVALUATOR (form FL-327)**

1. This attachment accompanies FL-327 ordering the appointment of \_\_\_\_\_ as the child custody evaluator.

**TASKS OF EVALUATOR**

2. The child custody evaluator will provide the parties with a written description of the evaluation process, inform each adult party of the purpose, nature, and method of the evaluation, and provide information regarding the child custody evaluator's education, experience, and training.
3. The child custody evaluator will be impartial and function at the request of the court and pursuant to court order.
4. The child custody evaluator will investigate and advise the court, with respect to the health, safety, welfare, and best interest of the minor child(ren) of the parties in connection with the disputed custody and visitation issues in this matter.
  - a.  This will be a full evaluation, investigation, and assessment, intended to provide the court with a comprehensive examination of the health, safety, welfare, and best interest of the minor child(ren).
  - b.  This will be a partial, or focused, evaluation, investigation, and assessment. The child custody evaluator is to advise the court on the following matters:
5.  See the report of the Family and Children's Bureau dated \_\_\_\_\_.

**EX PARTE COMMUNICATION**

6. Absent a written stipulation of the parties, there will be no *ex parte* communication between the child custody evaluator and any party or between the child custody evaluator and any attorney of record in this action, except to schedule appointments, coordinate collateral contacts, or as required or permitted by law.

**DOCUMENTS AND INFORMATION**

7. The parties will immediately contact the child custody evaluator and set an initial appointment date and time.
8. The parties will immediately provide the child custody evaluator with copies of all pleadings, motions, declarations, correspondence, mediation reports, or other documents that relate to the contested issues to be considered by the child custody evaluator.
9. With the exception of such documents that are subject to a valid claim of privilege, the parties will provide all records requested by the child custody evaluator within (5) five days of the request. All documents provided to the child custody evaluator by a party (directly or through counsel) will be contemporaneously provided to the other party.
10. The parties will cooperate fully with the child custody evaluation conducted under this order and will make themselves and their minor child(ren) reasonably available to the child custody evaluator for testing and interviewing.

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**RELEASES**

11. The parties are directed to execute any releases that may be required by the child custody evaluator to obtain otherwise confidential or privileged information from third party sources regarding the parties or the minor child(ren). The child custody evaluator is expressly authorized to obtain information regarding the minor child(ren) from: current/previous teachers, school staff and administrators; the minor child(ren)'s current/previous pediatricians, psychologists, or mental health professionals; hospital and medical records; current/previous daycare/preschool providers; law enforcement agencies, personnel and records; Family Court Services; Child Protective Services; or other social service agencies.

**CONFIDENTIALITY**

12. The child custody evaluator will take such actions as are necessary to protect the therapeutic privilege of any minor child and in so doing, decline to provide any party or counsel with information disclosed by a minor child or that child's therapist that would otherwise be privileged. In the event the court requires disclosure of privileged information or testimony, such information or testimony will be provided to the court in private, in the absence of the parties. Counsel for the parties will not disclose the details of such information or testimony.

13. All reports or recommendations authored by or received from the child custody evaluator are confidential. No such report or recommendation may be provided or made available to or discussed with any person except the parties, counsel for the parties in the action, and any person allowed access by law or to whom the court permits access by written order issued upon prior notice to all parties.

14. No person who has access to a report or recommendation by the child custody evaluator will make a copy or disclose the content thereof to the minors or to any person not entitled to access pursuant to this order. The parties will not mention or discuss within the hearing of the minors any statement made to the child custody evaluator by a minor child of the parties.

**FEES AND COSTS OF THE EVALUATOR**

15. The parties will make financial arrangements with the child custody evaluator forthwith. The evaluation will not commence until after the parties have arranged for payment in a manner acceptable to the child custody evaluator. The court allocates the costs of the child custody evaluator as follows:

\_\_\_\_\_ Petitioner; \_\_\_\_\_ Respondent. The court reserves jurisdiction to reallocate said payments between the parties.

**ADDITIONAL ORDERS**

16. The parties will promptly advise the court should the child custody evaluator be unable or unwilling to accept appointment under this order.

17. The child custody evaluator may apply in writing to the court for such further instruction, information, and assistance as may be necessary for the completion of the tasks set forth herein.

18. Once the child custody evaluator has accepted appointment, the child custody evaluator may, upon a showing of good cause and upon written notice to the parties, petition the court to withdraw.

19. The child custody evaluator will provide the court with immediate written notice if, at any time during the evaluation, a situation arises that is immediately dangerous to the minor child(ren), to any party, family member, minor child's attorney, judge or mental health professional involved in this action. Such notification may be made on an ex parte basis and may be accompanied by an application for ex parte relief.

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20.  The written report of the child custody evaluator will be admitted into evidence at any hearing or trial in this matter, over any hearsay or foundation objections, subject to cross-examination. \_\_\_\_\_ / \_\_\_\_\_ [initials of the parties]

**HEARING DATE**

21.  Hearing on the contested issues of custody and visitation is hereby set for \_\_\_\_\_ at \_\_\_\_\_ a.m. / p.m. in Department \_\_\_\_\_ for \_\_\_\_\_.  
If the hearing is continued, the parties will give the child custody evaluator timely written notice of the new date and time.

**OTHER**

22.

Date: \_\_\_\_\_  
JUDICIAL OFFICER