

ATTACHMENT TO ORDER APPOINTING CHILD CUSTODY EVALUATOR
(Use only with Judicial Council Form FL-327)

1. In this Order, all references to parties include their attorneys, if any.
2. If the evaluator named in item 1 of the Order Appointing Child Custody Evaluator is not available, the Court appoints _____.
3. The Court reserves jurisdiction over the selection of the evaluator. If the parties cannot agree, they shall each nominate at least one qualified proposed evaluator, including the evaluator's current fees and estimated completion time, all by letter to the Court, copy to the opposing party. The Court shall select one of the nominees, or another evaluator of its choice, all in a manner as specified by the Judicial Officer assigned to the case.
4. The evaluator shall prepare and send a report and recommendation to the Court.
 By stipulation entered either on the record in open court or signed by the parties on the last page of this Order, the report shall be admitted into evidence without foundation; and a party wishing to cross-examine the evaluator is responsible for causing the evaluator to appear in court, including advancing the evaluator's expert witness fees. The Court reserves jurisdiction to reallocate said fees, and to do so either before or after the trial.
5. The primary issue(s) to be evaluated is/are: _____

_____.
6. This evaluation referral is made pursuant to Family Code section 3118 (Evaluation of Child Abuse Allegation). The evaluator shall have access to all Juvenile Court records pertaining to the child(ren). Any Juvenile Court records gained by the evaluator shall remain confidential and shall only be released as specified by Family Code section 3111. The evaluator shall conduct the evaluation as required by Family Code section 3118.
7. Both parties shall mail a copy of this Order to the evaluator within two days of the date this Order is signed by the Court. Each party's mailing shall include a letter, copy to the opposing party, stating the mailing party's full name, address, daytime and evening telephone numbers including cell numbers, e-mail if the party has it available, and a brief statement of the best times and methods for the evaluator to contact the party. Nothing else may be included in this mailing, unless by written stipulation or order of the Court.
8. Petitioner Respondent shall advance all of the cost each advance half advance by Petitioner _____% and by Respondent _____%, of the cost of the evaluation, within _____ days of the date this order is signed.
 The court reserves jurisdiction to reallocate the cost between the parties.
9. Each party shall contact the evaluator by telephone or as the evaluator directs, immediately after the advanced cost is paid, to start the evaluation process.

10. Each party shall make and keep appointments for himself or herself, and for their minor child(ren) as requested by the evaluator.

11. Each party shall complete tests as requested by the evaluator.

12. Each party shall sign releases of information as requested by the evaluator.

13. All of the duties specified in Family Code sections 216 and 3025.5, Rule 5.235 of the California Rules of Court,¹ and Rule 5.21 of the Solano County Court Rules² are binding upon all parties in this case.

14. (a) No written communication or documents may be given to the evaluator without providing copies to the other party at least ten (10) days in advance.

(b) If either party objects in writing to any documents the other party proposes to give to the evaluator, no party may give the disputed document(s) to the evaluator until the issue is resolved by written agreement or order of the Court. If a party makes such an objection, the parties shall meet and confer immediately to attempt to enter a written agreement on this document(s) issue. The written agreement shall not address any issue other than this document(s) question, shall simply list the document(s) to be supplied to the evaluator, and shall be signed by each party or attorney. If the parties cannot agree, the issue shall be presented to the Court in the manner directed by the assigned Judicial Officer, and the document(s) in issue shall continue to be withheld from the evaluator until the Court resolves the dispute. The court reserves jurisdiction over this issue, and over any related attorney fees or costs.

15. No documents may be provided to the evaluator, by or for either party, except as provided in paragraph 14 of this Order. This restriction includes any documents that the evaluator may request from either party, as well as all other documents.

16. *Ex parte* communication (involving only one party) with the evaluator is prohibited, except as follows: (a) routine matters such as scheduling appointments; (b) interviews as directed by the evaluator; (c) as agreed in writing by the parties; or (d) as allowed by Rule 5.235 of the California Rules of Court. This prohibition remains in effect until the judgment concerning the custody or visitation issues in this case is final (no longer subject to appeal).

17. Any violation of paragraphs 14, 15, or 16 of this Order may result in severe sanctions against the violating party, such as re-starting the evaluation with another evaluator at the sole expense of the violating party, or monetary sanctions, or evidentiary sanctions, or other sanctions as the Court deems appropriate.

18. The parties are prohibited from discussing or disclosing the evaluator's report or recommendations, or any aspect of it, with any child of either party. The report shall be kept

¹ Available at the Solano County Law Library, or on the Internet at <http://www.courtinfo.ca.gov/rules/> (select "Title Five").

² Available at the Clerk's Office, or the Solano County Law Library, or on the Internet at http://www.solanocourts.com/pdf/local_rules.pdf.

confidential, and unavailable to all persons other than those permitted by Family Code section 3025.5 and Rule 5.21.d of the Solano County Court Rules.

18. The parties shall meet and confer about the evaluator's report and recommendations promptly upon receipt of the evaluator's report, and before any subsequent court appearance. They shall attempt in good faith to resolve all custody and visitation issues.

19. A status conference is hereby scheduled in Department _____ of this Court, for _____ AM on _____. A party may appear through counsel. Both parties *must* comply with Solano Courts Rule 5.10. If the evaluator advises the parties that the evaluation report will not be completed by this date, the parties may arrange by written stipulation to postpone the status conference to a new date that is at least two (2) weeks after the anticipated completion date.

20. This Order is entered:

- a. By written stipulation, as evidenced by the signatures below of the parties and/or their attorneys OR
- b. By oral stipulation recited in open court OR
- c. By the court without a stipulation by the parties.

SO STIPULATED:

Petitioner

Respondent

Attorney for Petitioner

Attorney for Respondent

[Judicial Officer's signature appears on front page.]