

ADDENDUM TO JUDICIAL COUNCIL FORM FL-327 – FAMILY COURT SERVICES

<p><b>ORDER APPOINTING CHILD CUSTODY EVALUATOR</b>  <b>(Family Court Services)</b></p>	CASE NUMBER: DEPARTMENT NUMBER: FCS NUMBER:
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**THIS IS A COURT ORDER FOR A CHILD CUSTODY/VISITATION EVALUATION.**

**1. EVALUATION RECOMMENDATIONS:**

The recommendations resulting from the evaluation shall address the issues checked below:

- a.  Legal Custody, may include division of authority for decision making
- b.  Physical Custody
- c.  Visitation
- d.  Whether visitation shall be supervised, and, if so, by what type of program and for how long
- e.  Exchange provisions designed to protect the child from exposure to extreme conflict or domestic violence, and to protect the safety of all of the parties
- f.  Move-away issues
- g.  Whether either party shall be required to attend counseling, rehabilitation, parenting or co-parenting programs, substance abuse counseling, domestic violence programs, and, if so, which programs, and for how long
- h.  Whether it is in the following child's best interests to address the Court under California Rule of Court Rule 5.250(C)(3) A - E: *(Name(s))*: \_\_\_\_\_
- i.  What are the preferences, if any, of the child regarding custody or visitation: *(Name(s))*: \_\_\_\_\_
- j.  Other: \_\_\_\_\_
- k.  Other recommendations related to any of the above issues necessary for clarification or implementation of the recommended order, or otherwise required to address the health, safety, welfare, and best interests of the child.

**2. OTHER ORDERS:** Both parties shall comply with the **ADDITIONAL ORDERS** below and on page 2 attached.

**IT IS SO ORDERED:**

**You are obligated to notify the Family Court Services, Calendar Office at 408-534-5710, to vacate the Custody Settlement Conference, if you settle.**

\_\_\_\_\_  
 DATE OF FIRST EVALUATION APPOINTMENT

\_\_\_\_\_  
 DATE/TIME OF CUSTODY SETTLEMENT CONFERENCE  
 (90 – 100 Days from the date of first evaluation appointment)

DATE:

\_\_\_\_\_  
 JUDICIAL OFFICER

NOTES/COMMENTS:

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**ADDITIONAL ORDERS****3. APPOINTMENTS AND DOCUMENTATION**

- a. If an appointment is not made upon the issuance of this Order, each party shall contact Family Court Services (FCS) no later than five court days from the filing of this order to schedule an appointment. **Fee deposits or the documentation required for requesting modification of FCS fees must be submitted to FCS within five court days from the filing of this court order. When requests for modification of FCS fees have been submitted, fee deposits required by the subsequent Order on Application for Modification of Court Fees Re Custody or Visitation Investigation shall be paid as set forth in the Order.** The parties shall appear at Family Court Services for all appointments set for them by the evaluator. **Attorneys are required to attend the first appointment with the Evaluator.** The parents shall insure that the children appear at all appointment times set for the children by the evaluator. The attorneys for the parties shall attend any additional appointments that are set for them by the evaluator.
- b. Upon request, the parties shall provide the evaluator with the names, addresses, and telephone numbers for all individuals involved with the care, day care, medical, dental, or mental health treatment, and education of the children.
- c. Both parties shall provide copies of documents requested by the evaluator in a prompt and timely manner. Any documents provided by a party or counsel to the FCS evaluator shall be provided, in accordance with the local rules, to the other party and counsel at the same time and in the same manner.
- d. If either party or FCS contends that a party is unduly delaying the evaluation process, a party or FCS may place the matter on the next Case Management Conference calendar for review.
- e. **The parties shall be charged for any custody/visitation evaluation services, consistent with their ability to pay.**

**4. EVALUATOR DUTIES, AUTHORITY, AND ACCESS TO INFORMATION**

- a. The evaluator shall adhere to the requirements of California Rules of Court Rule 5.220, court-ordered child custody evaluations, Rule 5.225, education, experience, and training standards for court-appointed child custody investigators and evaluators, Rule 5.230, domestic violence training for court-appointed child custody investigators and evaluators, and Rule 2 of the Superior Court of California, County of Santa Clara Local Family Rules.
- b. The evaluator shall have the authority to conduct home visits at his/her discretion.
- c. The evaluator shall, at her/his discretion, have access to the children's medical, dental, mental health, and other health care records, school and educational records, and the right to interview school personnel, caretakers, health care providers, mental health professionals, and others who have assessed the children or provided care to the children. Each party shall sign releases for such information as requested by the evaluator.
- d. The evaluator shall have access to any and all reports, test results, and other documents relating to the children from third parties, for example, but not limited to: mental health professionals, school personnel, Child Protective Services workers, medical and dental care providers, and day care providers. Each party shall sign releases for such information as requested by the evaluator. In the event that either party fails or refuses to sign releases required by the evaluator, the issue shall be set on the Law and Motion calendar of the All Purpose Judge for a hearing on the appropriateness of the refusal and for issuance of applicable orders regarding the records requested.
- e. The evaluator shall have the authority to contact any previously court appointed custody/visitation evaluator or assessor who shall have the authority to release case related information to the evaluator

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appointed by this order. Contact with any previously appointed Special Master shall be as specified by court order only.

- f. All information obtained as described above shall be used solely for the purpose of conducting the evaluation.
- g. **The evaluator shall complete and distribute the evaluation recommendations, and evaluation report consistent with the procedures described in Rule 2 of the Superior Court of California, County of Santa Clara Local Family Rules no later than 60 days following the date of the first scheduled evaluation appointment, unless extended by the Court.**
- h. In the event that the Court has checked the box above ordering an evaluation pursuant to Family Code § 3118, the Court has determined that there is a serious allegation of child sexual abuse as defined in § 3118. The evaluator appointed herein shall fully comply with all applicable requirements of §3118. Any evaluator appointed under §3118 shall have access to all Juvenile Court records pertaining to the child who is the subject of the evaluation. Any Juvenile Court records or information gained from those records shall remain confidential and shall only be released as specified in Family Code § 3111. The evaluation shall be suspended if a petition is filed to declare the child a dependent child of the Juvenile Court pursuant to Welfare & Institutions Code § 300, and all information gathered by the evaluator shall be made available to the Juvenile Court.