

STATE OF MINNESOTA
COUNTY OF

IN DISTRICT COURT
NINTH JUDICIAL DISTRICT

Court File No.

In Re the Marriage of

,

Petitioner,

and

,

Respondent.

**ORDER APPOINTING
CUSTODY EVALUATOR IN
FAMILY COURT MATTER**

The above-entitled matter came on before the undersigned Judge of District Court on
, 2010, at the County Courthouse, , Minnesota. Petitioner appeared
personally and through counsel, ; Respondent appeared personally and through counsel,
.

IT IS ORDERED:

1. _____ is appointed as Custody Evaluator (CE) to
conduct an independent evaluation and report concerning custodial arrangements pursuant to
Minnesota Statutes § 518.167 for the following minor children:

DOB:

DOB:

DOB:

2. Within _____ days of the date of this Order, the CE shall submit to the Court a
written report and recommendation concerning temporary custodial issues, including:

- Temporary legal custody of the child(ren)
- Temporary physical custody of the child(ren)
- Temporary parenting time
- Other:

Court Administration shall mail the report to counsel and to any party not represented by counsel upon receipt.

3. Within 90 days of the date of this Order, or at least 14 days prior to the hearing scheduled _____, whichever is sooner, the CI shall submit to the Court a written report and recommendation concerning longer-term custodial arrangements, including:

- Permanent legal custody of the child(ren)
- Permanent physical custody of the child(ren)
- Long-range parenting time
- Other:

Court Administration shall mail the report to counsel and to any party not represented by counsel upon receipt.

4. The reports must consider and evaluate the best-interest factors in Minn. Stat. § 518.17, subdivision 1, and include a detailed analysis of all information considered for each factor, regarding all matters relating to the children.

5. If joint custody is contemplated or sought, the report must consider and evaluate the factors in Minn. Stat. § 518.17, subdivision 2, state the position of each party and the CE's recommendation and the reason for the recommendation, and reference established means for dispute resolution between the parties. The attention of the CE is also directed to the statutory factors for modification of custody as set forth in Minn. Stat. § 518.18.

6. Any recommendations regarding parenting time shall include the specific location, duration, and frequency of the visits; whether the visits should be supervised or unsupervised; and the transportation arrangements necessary to facilitate the visits, if any.

7. In preparing a report concerning a child, the CE may consult any person who may have information about the child and the potential custodial arrangements except for persons involved in mediation efforts between the parties. Mediation personnel may disclose to the CE information collected during mediation only if agreed to in writing by all parties.

8. Pursuant to Rule 30.02, subd. 3(A)(3) of the Rules of Juvenile Delinquency Procedure, the CE shall have access to Juvenile Court Records of the minor child(ren) for inspection and copying for the purposes of this investigation only. Pursuant to Rule 8 of the Rules of Juvenile Protection Procedure, the CE shall have access to Juvenile Protection Case

Records of the minor child(ren) for inspection and copying for the purposes of this investigation only, except those not accessible to parties pursuant to Rule 8.04.

9. The CE may consult with and obtain information from medical, psychiatric, school personnel, or other expert persons who have served the child(ren) in the past after obtaining the consent of the parents or the child(ren)'s custodian or guardian. The CE may refer the child(ren) to professional personnel for diagnosis only upon a separate order of this Court.

10. The CE shall maintain and, upon request, make available to counsel and to a party not represented by counsel the CE's file of underlying data and reports, complete texts of diagnostic reports made to the CI, and the names and addresses of all persons whom the CE has consulted.

11. The CE and any person the CE has consulted are subject to other pretrial discovery in accordance with the requirements of the Minnesota Rules of Civil Procedure.

12. A party may call the CE and any person the CE has consulted for cross-examination at the hearing. A party may not waive the right of cross-examination before the hearing.

13. The CE's report may be received in evidence at the hearing.

14. Any person who files a document with the Court or serves another party with a document in this case shall simultaneously furnish the CE with a copy of that document if the document contains information which relates to the issue(s) being investigated by the CE or to the best interests of the child(ren).

15. Any person who schedules a court hearing or other proceeding shall timely notify the CE if the hearing or proceeding relates in any way to the issue(s) being investigated by the CE or to the best interests of the child(ren).

16. Unless otherwise ordered by the Court, until the CE has submitted all requested reports in this proceeding, any proposed stipulation or marital termination agreement that in any way affects the best interests or welfare of the child(ren) or relates to the issue of custody, parenting time, or child support shall be submitted to and reviewed by the CE before it is filed with the court, and the CE shall be present and participate in all settlement conferences.

17. The fees and costs of the CE shall be shared equally by the parties in accordance with the parties' financial circumstances, pursuant to Minn. Stat. § 518.167, subd. 5. The CE shall be reimbursed by the parties for time spent providing testimony.

18. Any authority beyond that provided by Minn. Stat. § 518.167 shall be granted to the CE only by agreement of the parties, pursuant to Minn. Gen. R. Prac. 114.02(a)(10) and in accordance with Minn. Stat. § 518.1751, subd. 4. Such agreements are encouraged by this Court for the amicable resolution of ongoing parenting disputes.

Until further order of this Court, the CE's authority in this case is limited to that provided by Minn. Stat. § 518.167.

The parties have agreed to allow the CE further authority to directly assist the parties with co-parenting skills, communication, and resolution of parenting disputes on an ongoing basis, as follows:

The parties have entered into a written Agreement detailing the further authority they are allowing the CE in this proceeding. That Agreement is attached and incorporated herein by reference.

The parties have indicated their intent to enter into a written agreement detailing the further authority they are allowing the CE in this proceeding. Upon execution of such a stipulation, the parties shall submit the same to the Court for incorporation into a Court Order in this proceeding.

19. A photocopy of this Order shall be as valid as the original.

BY THE COURT

DATED:

Judge of District Court