

Rule 3.3.03 Child Custody Investigation and Evaluations

- ~~(a) In any case in which custody/visitation is in dispute the Court may order a custody investigation. Counsel will only be allowed to be present during any interview if specifically requested by the investigator.~~
- ~~(b) No challenge of a Court-appointed investigator shall be allowed.~~
- ~~(c) Except in extraordinary circumstances, including the potential for danger to the child, children will be informed that the information provided by the child will not be confidential.~~
- ~~(d) A child may be seen alone, with one parent, and/or both, at the discretion of the investigator.~~
- ~~(e) Interviews with siblings may be separate, at the discretion of the investigator.~~
- ~~(f) All written reports and recommendations shall be served upon the parties or their attorneys.~~
- ~~(g) Any written report or recommendation as part of the investigation shall be confidential and unavailable to any person except the Court, the parties, their attorneys and any person to whom the Court expressly grants access by written order made with prior notice to all parties.~~
- ~~(h) Pursuant to Family Code § 3111(a), any evaluation report generated by an evaluator may be considered by the court and admitted into evidence at any hearing or trial.~~

(a) Court ordered evaluations.

All evaluators appointed by the Court to conduct child custody and visitation evaluations, whether by stipulation or otherwise, shall be appointed under Evidence Code Section 730.

(b) Evaluator selection

Where the parties are unable to agree on an evaluator to conduct the custody evaluation, the Court shall select an evaluator for the parties in a manner as determined by the Court. If the evaluator appointed by the Court does not accept the appointment, the parties or their attorneys shall contact the Court and request the appointment of a different evaluator. A list of private evaluators who have represented that they meet the training and education requirements of the California Rules of Court, Rules 5.225 and 5.230 will be maintained by Family Court Services. The list is publicly accessible on the Family Court Services page of the Court's website. If you are unable to access the digital version, the Self Help Center will provide a hard copy of the list.

(c) Challenge of the Evaluator

No challenge of a Court-appointed evaluator shall be allowed.

(d) Withdrawal from a case

A private evaluator may withdraw from a case upon a showing of good cause to the trial court making the appointment.

(e) Information from children

The Court relies on the judgment of evaluators in making decisions about when, how often, and under what circumstances children are interviewed. Except in extraordinary circumstances, including the potential for danger to the child, children will be informed that the information provided by the child will not be confidential. A child may be seen alone, with one parent, and/or both, at the discretion of the investigator. Interviews with siblings may be separate, at the discretion of the investigator.

(f) Complaint procedure

If a party alleges that an unprofessional or inappropriate act has occurred on the part of the evaluator during the evaluation, the party may discuss the complaint with the evaluator directly in order to handle misunderstandings.

Complaints concerning the evaluator will not be considered by the Court until after the evaluation is completed, at the hearing on receipt of recommendations. Complaints must be submitted to the Clerk's Office no later than 15 calendar days before the hearing with copies to the evaluator and all other parties or their attorneys. The evaluator shall submit a written response to all issues raised in the complaint at least 2 calendar days before the hearing. The judge will address the complaint at the time of the hearing. If the party submitting the complaint objects to the bench officer's resolution of the complaint, the complaint shall become an issue at trial.

(g) Evaluation report

1. All written reports and recommendations shall be served upon the parties or their attorneys.
2. Any written report or recommendation as part of the evaluation shall be confidential and unavailable to any person except the Court, the parties, their attorneys, and any person to whom the Court expressly grants access by written order made with prior notice to all parties.
3. Pursuant to Family Code § 3111(a), any evaluation report generated by an evaluator may be considered by the court and admitted into evidence at any hearing or trial.

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