

RULE 30.5.1 APPOINTMENT OF CUSTODIAL EVALUATION PURSUANT TO FAMILY CODE SECTION 3111 OR APPOINTMENT OF AN EXPERT PURSUANT TO EVIDENCE CODE SECTION 730

[Effective 1/1/16; Amended 7/1/20]

A. Nothing in Rule 30.1 prohibits the the parties from agreeing to commence a 3111 partial or full evaluation at any appropriate time. [Effective 7/1/17; Amended 7/1/20]

B. In the event the Court orders a partial or full evaluation pursuant to Family Code §3111 et seq. and/or Evidence Code §730, the parties shall inform the court at the setting of the evidentiary hearing whether they will stipulate to the admission of the evaluation report(s). [Effective 1/1/16; Renumbered 7/1/17; Amended 7/1/20]

1. If a party will not stipulate to the admission of the evaluation report, that party shall also notify the court no later than thirty (30) calendar days prior to the hearing whether the evaluator will be subpoenaed for the hearing date. [Effective 7/1/13; Amended 7/1/17]

C. Court orders for an evaluation pursuant to Family Code §3111 and/or Evidence Code §730 shall specify the obligation/amount each party shall pay for their share of the partial or full evaluation. [Effective 1/1/16; Amended and Renumbered 7/1/17; Amended 7/1/20]

D. The commencement of a partial or full child custody evaluation under the Family Code §3111 and/or Evidence Code §730 will not begin until the fee has been paid and the Director of Family Court Services has received notice of the payment. The Director of Family Court Services shall then assign a court-connected child custody evaluator. Partial child custody evaluations may be assigned before the fee has been paid only upon order of the court [Effective 1/1/16; Amended and Renumbered 7/1/17; Amended 7/1/20]

E. The child custody evaluator appointed to conduct a full evaluation shall not be required to read and review more than 30 additional pages of collateral documentation received from each party unless there are unusual circumstances. All collateral documents must be received with a Proof of Service showing they have been delivered to the other party.

For partial evaluations, parties and/or their attorneys may submit further information to the assigned evaluator not to exceed thirteen (13) pages in length if it is provided at least three (3) calendar days prior to the regularly scheduled appointment and includes a proof of service showing service on the opposing party and/or attorney. An attorney may submit an “attorney input letter” no longer than one (1) page in length, double-spaced to the assigned evaluator as part of the thirteen (13) pages.

For emergency or expedited appointments, any documentation may be submitted on the day of the appointment if it includes a proof of service showing service on the opposing party and/or attorney at least one (1) calendar day prior to the appointment. The documents shall not exceed thirteen (13) pages in length.

[Effective 1/1/12; Amended 7/1/17 and Amended 7/1/20]

F. Each court-connected child custody evaluator will complete form FL-325 to certify that they have met all of the qualifications for court-connected evaluators under this rule for a given year (California Rule of Court, rule 5.225). [Effective 1/1/12; Amended and Renumbered 7/1/17]

RULE 30.6 COURT ORDERED EVALUATIONS (Family Code Section 3110/3111)

[Effective 7/1/05; Amended 7/1/19 and 7/1/20]

A. This local rule implements California Rules of Court, rule 5.220. The evaluation shall be completed and provided to the parties at least ten days before the court hearing scheduled for return of the evaluation. If the evaluation is not received on or before ten days before the hearing, either party may request a continuance of the hearing. Notwithstanding any request to continue the hearing, the court may make temporary orders pending the continuance of the hearing for lack of receipt of the evaluation. [Effective 7/1/17; Amended 7/1/20]

B. Personal appearance for a partial or full child custody evaluation appointment is required unless there are unusual circumstances. Unusual circumstances include 1) one party resides more than 250 miles away from Placer County; 2) traveling to the appointment would cause an extreme hardship; 3) telephonic participation is ordered by the court; or 4) the professional finds good cause to allow a party to attend via telephone. The court, the FCS Director, or the

assigned professional, all have the discretion to permit a request for a telephonic appearance at the appointment. [Effective 7/1/20]

C. In matters where domestic violence has been alleged or there is a protective order as defined in Family Code section 6218 in effect, parties shall have the right to separate appointments for partial or full child custody evaluation appointments. [Effective 7/1/20]

D. The evaluator may interview the child. The evaluator shall inform a minor child over the age of five (5) or counsel for the child that the contents of the interview may not be confidential and may be presented to the court. [Effective 1/1/12; Amended and Renumbered 7/1/17 and 7/1/20]

E. The evaluator may interview siblings separately as appropriate if reasonably possible. [Effective 1/1/12; Amended 1/1/17; Renumbered 7/1/20]

F. The evaluator shall interview each parent/party if reasonably possible. [Effective 1/1/12; Amended 1/1/17; Renumbered 7/1/20]

G. Partial and full evaluation reports are presumed confidential and shall be lodged with the court in a confidential envelope. Access and disclosure of the report, in the absence of a court order stating otherwise, are limited to the parties; their attorneys of record, the child's attorney; other evaluators retained in the case; and other court appointed CCRCs, evaluators, and investigators addressing issues with the same family. The parties, their attorneys of record, and/or other evaluators shall not disclose or discuss the evaluation with the minor child. [Effective 7/1/05; Amended 7/1/17; Amended and Renumbered 7/1/20]

H. Challenges or objections may only be considered as permitted by law. [Effective 1/1/12; Amended 1/1/17; Renumbered 7/1/20]

I. Each party may object to an assigned court-connected evaluator once by filing written objections with the Family Court Services Director. Written objections to the assigned court-connected evaluator must be filed and served on the other party within seven (7) calendar days of the date of the notice of the assignment. The Family Court Services Director may remove a court-connected evaluator from the assigned case. [Effective 7/1/03; Amended 7/1/17; Renumbered 7/1/20]

J. Any complaints against an assigned court-connected or private evaluator shall be presented to the Family Court Services Director. [Effective 7/1/05; Amended 7/1/17; Renumbered 7/1/20]

K. A party may subpoena or take the deposition of a court-connected evaluator. The hourly rate for testimony will be set by the court-connected evaluator and shall be paid at the time the subpoena is served. The court-connected evaluator may also require a deposit for testimony preparation time for testimony in court hearings. A party seeking to take the deposition of a court-connected evaluator must provide them at least thirty (30) calendar days advance notice. [Effective 1/1/17; Amended 7/1/17; Renumbered 7/1/20]

L. Court connected child custody evaluators may request to withdraw from a case by submitting the request to the Director of Family Court Services. Private child custody evaluators may petition the court to withdraw from a case. Private child custody evaluator requests may be granted by the court upon a showing of good cause. [Effective 7/1/19; Renumbered 7/1/20]

M. Parties and counsel shall not have ex parte communication with the child custody evaluator except for the purpose of scheduling appointments or conducting scheduled interviews with the parties as a part of an evaluation process or where it is expressly authorized by the court, consistent with Family Code Section 216. [Effective 7/1/19; Renumbered 7/1/20]