

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF *

*)	
)	
Plaintiff,)	
)	
Vs.)	CASE NO. *
)	
*)	ORDER FOR PARENTING EVALUATION
Defendant.)	
)	

In order to assist the Court in determining how the parties will share in the care and custody of their children, and how this sharing best can be divided to serve the needs of the parties and the children, IT IS HEREBY ORDERED that the parties submit to and cooperate in a Parenting Time Evaluation under I.R.C.P. 16(q) to be completed by *, hereinafter “the evaluator,” whose address is * and telephone number is *.

Each party is ordered to contact the evaluator within five (5) days of the date of this order to make arrangements for the parenting evaluation. Costs for the parenting evaluation shall be allocated as follows:

- [*] Parties shall each pay one-half
- [*] Plaintiff shall pay __*____ % of the total amount
- [*] Defendant shall pay __*____ % of the total amount

* shall pay the initial retainer to the evaluator within seven (7) days of the date of this Order and shall pay the remainder of the cost of evaluation in full prior to delivery of the written report

unless other arrangements are made with the evaluator in advance.

The parties shall each make themselves available for interviews and other processes requested by the evaluator and shall cooperate in obtaining the assistance of any other persons the evaluator may request to see. Distribution of the cost of evaluation is subject to reapportionment at the conclusion of the case.

In conducting this investigation, the evaluator will have access to all persons who may have relevant knowledge or information, and any records of such persons concerning the parties or their child, including but not limited to: the child; the parties; their attorneys; other members of the parties' households; other family members or friends who have a significant relationship with the child; the child's teachers or other school officials or daycare providers; any therapist, counselor, or other mental health professional who has treated or counseled either party or the party's child; and any doctor or other medical health professional who has treated either party or the parties' child.

The evaluator has the discretion to interview the parties, their attorneys, the child, and other persons in any combination or ex parte; the parties and their attorneys do not have a reciprocal right to ex parte communication with the expert.

The evaluator will make his or her recommendations based on the best interests of the child, with particular attention to terms and conditions that will resolve the current conflicts between the children, limit the opportunity for future conflict between the parents, and limit the child's exposure to the conflict between the parents.

The evaluator is appointed as the Court's expert pursuant to Rule 706, Idaho Rules of Evidence, and is requested to perform the following:

[*] Provide a comprehensive parenting evaluation and opinions concerning, but not necessarily limited to, the following matters:

- a. The child's needs based on considerations of age, sex, and any special considerations based on physical, emotional, mental, or educational handicaps or conditions;
- b. Each parent's emotional, physical, and financial capacity for meeting the

child's needs;

c. Any relevant history of the parties or the child, including educational, criminal, psychiatric, and marital history; and

d. Any other factors deemed by the evaluator to be relevant to a determination of the primary physical custodian and shared parenting schedules that would be in the best interest of the child.

[*] Evaluate drug and alcohol use and its impact on parenting;

[*] Evaluate cleanliness and safety of the home;

[*] Evaluate interaction between parents and children;

[*] Evaluate comments and observations as to which parent will most likely foster a healthy relationship between children and other parent;

[*] Evaluate or determine preference of child/ren for primary physical custodian;

[*] Other_____

This appointment is conditioned on consent of the evaluator to act as the Court's witness in this capacity. If the evaluator does not so consent, s/he is requested to so inform the Court within five (5) days of the date of this order. If the evaluator accepts this appointment, s/he must prepare a written evaluation, which shall be completed and delivered to all parties, counsel, and the Court on or before _____, 2014. If the evaluator will not be able to complete the evaluation by that time, s/he is requested to contact the Court as soon as possible.

If any party fails to keep any scheduled appointment or fails to pay for the evaluation, or fails to make the initial contact with five (5) days of the date of this Order, the evaluator is directed to so advise the court within five (5) days of this violation.

SANCTIONS. Failure to comply with this Order shall subject a party to appropriate sanctions in the discretion of the Court which may include, without limitation, the imposition of costs and attorney fees against the offending party and/or the party's attorney, the dismissal with prejudice of a party's claims, or the striking of defenses to a claim. A party may be excused from

strict compliance with any of the provisions of this Order only upon motion and the finding of extraordinary circumstances justifying the non-compliance.

CONTINUANCES. The dates set forth above including, trial, shall not be extended absent a motion or stipulation of the parties demonstrating good cause.

TESTIMONY OF EVALUATOR. If either party deems it necessary to have the evaluator present as a witness at trial or any hearing, that party shall be responsible for arranging for the evaluator's presence and must pay the estimated expert witness fee in full in advance of the trial or hearing unless other arrangements are made in writing with the evaluator.

Dated this _____ day of March, 2014.

Magistrate Judge

I HEREBY CERTIFY that a true and correct copy of the foregoing order was forwarded to the following persons this _____ day of March, 2014.

FAMILY COURT SERVICES

X Courthouse Box

PLAINTIFF ATTORNEY

DEFENDANT ATTORNEY

*

EVAULATOR

*

Deputy Clerk