

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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**ADDITIONAL ORDERS REGARDING CHILD CUSTODY EVALUATIONS
UNDER FAMILY CODE SECTION 3118**

(Attachment to *Order Appointing Child Custody Evaluator* (form FL-327))

1. MANDATORY CONSIDERATIONS (Family Code section 3118(f))

The court has considered the best interests of the child and finds that:

- a. No temporary orders are needed to limit, suspend, or deny visitation (parenting time) with the parent against whom the allegations have been made.
- b. Temporary orders are needed and will issue or have issued in accordance with Family Code section 3011 that:
 - (1) limit visitation (parenting time) with the parent against whom allegations have been made to situations in which a third party specified by the court is present.
 - (2) suspend visitation (parenting time) with the parent against whom the allegations have been made.
 - (3) deny visitation (parenting time) with the parent against whom the allegations have been made.

2. MINIMUM REQUIREMENTS OF THE EVALUATION (Family Code section 3118(b))

The child custody evaluator, at a minimum, must do all of the following:

- a. **Consult with the agency providing child welfare services.**
Consult about the allegations of child sexual abuse, and obtain recommendations from these professionals regarding the child's safety and the child's need for protection.
- b. **Review and summarize the child welfare services agency file.**
 - (1) You must not photocopy any document contained in the child welfare services agency file.
 - (2) A summary of the information in the file, including statements made by the children and the parents, and the recommendations made or anticipated to be made by the child welfare services agency to the juvenile court, may be recorded.
 - (3) You must not record the identity of the party who reported the information in (2).
 - (4) Keep in a separate file any notes summarizing the child welfare services agency information and release them to either party only by court order.
- c. **Consult with law enforcement.**
Consult with law enforcement about the allegations of child sexual abuse and obtain recommendations from these professionals regarding the child's safety and the child's need for protection.
- d. **Obtain information from a law enforcement investigator.**
Obtain from this professional all available information obtained from criminal background checks of the parents and any suspected perpetrator that is not a parent, including information regarding child abuse, domestic violence, or substance abuse.
- e. **Review the results of any multidisciplinary child interview team (MDIT) interview.**
- f. **Interview the child or request an MDIT interview of the child if:**
 - (1) The MDIT is not available or was not completed;
 - (2) The evaluator believes the MDIT is inadequate for purposes of the evaluation; or
 - (3) A repeated interview of the child cannot be avoided. The evaluator must, wherever possible, avoid repeated interviews of the child.
- g. **Request a forensic medical examination of the child.**
Request the examination from the appropriate agency or include in the required report a written statement about why the examination is not needed.
- h. **Do not disclose the identity of any person making a report of suspected child abuse.**
Do not disclose any information about the identity of any person making a report of suspected child abuse in accordance with Penal Code section 11167(d).

3. CONFIDENTIAL WRITTEN REPORT (Family Code section 3118(b)(6) and (d))

The child custody evaluator must:

- a. Complete *Confidential Child Custody Evaluation Report* (form FL-329), addressing the safety of the child;
- b. File the completed report with the clerk of the court in which the child custody hearing will be conducted; and
- c. Serve the completed report on the parties or their attorneys and any attorney for the child at least 10 days before the hearing.

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4. **JUVENILE COURT RECORDS** (Family Code section 3118(a) and (g))

The child custody evaluator must:

- a. Have access to all juvenile court records pertaining to the child who is the subject of the evaluation.
- b. Keep confidential any juvenile court records or information gained from those records.
- c. Only release the records described above in b as specified in Family Code section 3111(b).
- d. Suspend the evaluation if a petition is filed to declare the child a dependent child of the juvenile court under Welfare and Institutions Code section 300.
- e. Make available to the juvenile court all information the evaluator gathered if a petition is filed as described above in d.

5. **ORDER FOR FURTHER EVALUATION** (Family Code section 3118(e))

The court orders further evaluation beyond the minimum requirements to determine the safety needs of the child as follows: