

NO. _____

_____)	IN THE DISTRICT COURT
_____)	
_____)	___ JUDICIAL DISTRICT
_____)	
_____)	BEXAR COUNTY, TEXAS

ORDER APPOINTING CHILD CUSTODY EVALUATOR AND
FOR CHILD CUSTODY EVALUATION

On _____, 201__, the Court considered the request for the appointment of a child custody evaluator and the preparation of a child custody evaluation. The Court finds that a child custody evaluation would be of assistance to the Court, the evaluation is in the best interest of the child(ren), and that good cause has been shown for the appointment of an evaluator.

IT IS ORDERED that _____, whom the Court finds meets the minimum qualifications set out in section 107.104 of the Texas Family Code, is appointed child custody evaluator to make and prepare a child custody evaluation into the circumstances and condition of a child who is the subject of this suit and the parties to this suit for the purpose of determination of child custody, visitation and access.

The child(ren) the subject of this suit are:

NAME: _____ DATE OF BIRTH: _____
CURRENT ADDRESS: _____

NAME: _____ DATE OF BIRTH: _____
CURRENT ADDRESS: _____

NAME: _____ DATE OF BIRTH: _____
CURRENT ADDRESS: _____

NAME: _____ DATE OF BIRTH: _____
CURRENT ADDRESS: _____

The parties to this suit and their counsel of record are:

Petitioner: _____
Address: _____
City: _____ Zip Code: _____
Telephone: (____) _____
Employer: _____
Work telephone number: (____) _____
E-Mail address: _____
Date of Birth: _____
Relationship to child(ren): _____
Attorney for Petitioner: _____
Attorney's address: _____
Attorney's telephone number: (____) _____
Attorney's email address: _____

Respondent: _____
Address: _____
City: _____ Zip Code: _____
Telephone: (____) _____
Employer: _____
Work telephone number: (____) _____
E-Mail address: _____
Date of Birth: _____
Relationship to child(ren): _____
Attorney for Respondent: _____
Attorney's address: _____
Attorney's telephone number: (____) _____
Attorney's email address: _____

Intervenor(s): _____
Address: _____
City: _____ Zip Code: _____
Telephone: (____) _____
Employer: _____
Work telephone number: (____) _____
E-Mail address: _____
Date of Birth: _____
Relationship to child(ren): _____
Attorney for Intervenor(s): _____
Attorney's address: _____
Attorney's telephone number: (____) _____
Attorney's email address: _____

Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney: _____
Address: _____
Telephone: (____) _____
Email Address: _____

IT IS ORDERED that the child custody evaluator appointed in this order shall comply with the basic elements of a child custody evaluation as set out in Texas Family Code sec. 107.109(c) which are as follows:

1. personally interview each party to this suit who is seeking conservatorship of, possession of, or access to a child the subject of this suit;

2. interview, in a developmentally appropriate manner, each child who is the subject of this suit who is at least four (4) years of age during a period of possession of each party to the suit but outside the presence of the party;

3. observe each child who is the subject of this suit, regardless of the age of the child, in the presence of each party to the suit, including, as appropriate, during supervised visitation, unless contact between a party and a child is prohibited by court order or the person conducting the evaluation has good cause for not conducting the observation and states the good cause in writing provided to the parties to the suit before the completion of the evaluation;

4. observe and, if the child is at least four years of age, interview any child who is not a subject of this suit who lives on a full-time basis in a residence that is the subject of the evaluation, including with other children or parties who are subjects of this evaluation, where appropriate;

5. obtain information from relevant collateral sources, including the review of:

(a) relevant school records;

(b) relevant physical and mental health records of each party to the suit and each child who is the subject of the suit;

(c) relevant records of the Department of Family and Protective Services obtained under Texas Family Code sec. 107.111;

(d) criminal history information relating to each child who is the subject of the suit, each party to the suit, and each person who lives with a party to the suit; and

(e) records or information from any other collateral source that may have relevant information.

6. for each individual residing in a residence subject to the child custody evaluation, consider any criminal history information and any contact with the Department of Family and Protective Services or a law enforcement agency regarding abuse or neglect; and

7. assess the relationship between each child who is the subject of this suit and each party seeking possession of or access to the child.

IT IS FURTHER ORDERED that in addition to those actions described above, the child custody evaluator appointed herein shall perform those actions indicated below:

_____ evaluate the residence of each party seeking conservatorship of a child who is the subject of this suit or possession and access to the child;

_____ conduct balanced interviews and observations of each child who is the subject of the suit so that a child who is interviewed or observed while in the care of one party to the suit is also interviewed or observed in the care of each other party to this suit;

_____ interview each individual, including a child who is at least four years of age, residing on a full-time or part-time basis in a residence subject to the child custody evaluation;

_____ observe a child who is the subject of this suit with each adult who lives in a residence that is the subject of this evaluation;

_____ interview, if the child is at least four years of age, and observe a child who is not the subject of this suit but who lives on a full-time or part-time basis in a residence that is the subject of this evaluation;

_____ conduct psychometric testing consistent with Texas Family Code sec. 107.110; and/or

_____ conduct a joint interview of the parties to the suit.

IT IS ORDERED that in addition to those actions specified above, the child custody evaluator shall perform the following actions:

IT IS ORDERED that the child custody evaluator appointed herein is entitled to obtain records that relate to any person residing in a residence subject to a child custody evaluation from:

1. a local law enforcement authority;
2. a criminal justice agency;
3. a juvenile justice agency;
4. a community supervisions and corrections department created under Chapter 7, Texas Government Code; or
5. any other governmental entity.

THE RECORDS DESCRIBED IN THIS PARAGRAPH OBTAINED BY A CHILD CUSTODY EVALUATOR ARE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER CHAPTER 552, TEXAS GOVERNMENT CODE, OR TO DISCLOSURE IN RESPONSE TO A SUBPOENA OR A DISCOVERY

REQUEST. A CHILD CUSTODY EVALUATOR MAY DISCLOSE INFORMATION OBTAINED FROM THESE DOCUMENTS ONLY TO THE EXTENT THE EVALUATOR DETERMINES THAT THE INFORMATION IS RELEVANT TO THE CHILD CUSTODY EVALUATION OR A RECOMMENDATION MADE IN THE EVALUATION. A PERSON COMMITS AN OFFENSE IF THE PERSON RECKLESSLY DISCLOSES CONFIDENTIAL INFORMATION OBTAINED AS DESCRIBED IN THIS PARAGRAPH IN VIOLATION OF TEXAS FAMILY CODE SEC. 107.111. AN OFFENSE UNDER THIS SUBSECTION IS A CLASS A MISDEMEANOR.

IT IS ORDERED that the custody evaluation shall address the following questions as indicated:

_____ Should the parties be appointed joint managing conservators?

_____ Which joint managing conservator should have the exclusive right to determine the residence of the child(ren)?

_____ In what geographical location should the joint managing conservator have the right to determine the residence of the child(ren)?

_____ Which party should be appointed sole managing conservator?

_____ Which party should be appointed Possessory Conservator?

_____ What form of visitation, possession or access is in the best interest of the child(ren)?

IT IS ORDERED that the parties and their counsel shall cooperate with the child custody evaluator in the preparation of this evaluation. Each party is ORDERED to sign appropriate releases for the child custody evaluator to review all necessary documents.

IT IS ORDERED that the fees charged by the child custody evaluator to prepare the evaluation shall be paid as follows: _____

IT IS ORDERED that the child custody evaluator shall within ____ days of the date of this Order file notice that the report is complete and shall provide a copy of the report to each party's attorney; each party who is not represented by an attorney; and each attorney ad litem, guardian ad litem, and amicus attorney appointed in this suit.

SIGNED _____

JUDGE PRESIDING