RULE 11.9 - CHILD CUSTODY AND VISITATION ISSUES Local Rules 11.10 - 11.14 are adopted in accordance with relevant law and standards of practice for court-connected child custody mediation.

 (Eff. 7/1/99) (Rev. 7/1/08)

**RULE 11.10 - APPOINTMENT OF COURT-APPOINTED INVESTIGATOR OR EVALUATOR**

a) Applicability: In any case in which custody or visitation is in dispute, the court may appoint an investigator and order that a child custody/visitation investigation and evaluation be conducted. The court will appoint an investigator in accordance with CRC 5.220(i), Evidence Code section 730, Family Code section 3110 et seq., and Code of Civil Procedure section 2032.010 et seq.

(b) Challenges: The court does not allow peremptory challenges for court-appointed investigators/evaluators.

(c) Withdrawal: A court-appointed investigator/evaluator for purposes of child custody or visitation purposes may withdraw from a case upon filing a petition showing good cause. The court will make the findings after consideration of (i) the petition, (ii) the best interests of the child(ren), and (iii) other relevant factors as determined by the court.

(d) Ex Parte Contact Prohibited: No party or attorney for a party may initiate contact with a court-appointed investigator/evaluator, orally or in writing, to discuss the merits of the case without (i) notice to the other party and (ii) allowing the other party to be present or to receive a copy of a written communications. Nothing in this rule will prohibit the court-appointed investigator/evaluator from contacting either party or attorney.

(e) Contact Between Court-Appointed Investigator/Evaluator and Minor Child(ren): It is the policy of the court to rely on the opinion and judgment of court-appointed investigator/evaluator in making determinations as to whether children will be interviewed. The court-appointed investigator/evaluator will justify his or her determinations in each case, and will determine under what circumstances the interviews will take place. Except in extraordinary circumstances, including potentially dangerous situations for minor child(ren), minor children will be informed that the information they provide may not remain confidential. When a court-appointed investigator/evaluator sees a minor child(ren) with one parent, he or she must also see that minor child(ren) with the other parent. Interviews with siblings, at the discretion of the investigator, may be separate. Unless ordered by the court, an investigation may not be based on an interview with only one parent.

(f) Investigation/Evaluation Report: The court must specify the date on which the court appointed investigator/evaluator must return his or her report. Generally, the report will be due within 60 court days from initial appointment. The written report will be distributed to the court, parties, and counsel in accordance with Family Code section 3111, and will remain confidential and unavailable to all other persons unless otherwise ordered by the court. No person who has access to such a report may make copies of the report or disclose its contents to ANY child(ren) whether or not a party to the action.

(g) Grievances: Grievances against court-appointed investigators/evaluators will be handled in accordance with Local Rule 2.14.

(h) Court Rules Regarding Court-Appointed Investigations/Evaluations: When the court orders an investigation or evaluation, the court will give each party a copy of this local rule.

(i) Payment of Investigator’s/Evaluator’s Fees and Costs: When the court orders an investigation or evaluation, the court will also order the payment of associated fees and costs. If the investigator/evaluator is required to testify in court regarding his or her investigation or evaluation, the court will order the payment of fees and costs related to this testimony. In dividing the fees and costs between the parties, the court may consider Family Code sections 271, 2030, and 2032. If the investigator/evaluator is a contractor with the Court, (i) the Court may order that a party or parties pay all fees and costs, for the investigation or evaluation as well as any testimony, directly to the investigator/evaluator, and (ii) the investigator/evaluator may set his or her own rates and costs for testimony.

(j) Cross-Examination of Investigators/Evaluators: It is the policy of this court to develop policies and procedures for expeditious and cost-effective cross-examinations of court appointed investigators/evaluators when necessary. As necessary the court will determine, on a case-by-case basis, whether video and/or telephone conferences or examinations may be used in conducting a cross-examination of a court-appointed investigator/evaluator. All parties must schedule such appearances as directed by the court or as otherwise provided by local rule, statute, or CRC.

(k) List of Qualified Evaluators: The clerk will maintain a list of qualified evaluators, and make this list available to the public upon request.