

## ADDENDUM TO JUDICIAL COUNCIL FORM FL-327 – BRIEF FOCUSED ASSESSMENT

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| <b>ORDER APPOINTING PRIVATE CHILD CUSTODY EVALUATOR<br/>BRIEF FOCUSED ASSESSMENT</b> | CASE NUMBER:<br>DEPARTMENT NUMBER:<br>FCS NUMBER: |
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**THIS IS A COURT ORDER FOR A BRIEF FOCUSED ASSESSMENT, WHICH IS A LIMITED CHILD CUSTODY/VISITATION EVALUATION.**

**1. EVALUATION READINESS:**

- a. ☐ Parties completed Orientation.
- b. ☐ Parties attended Mediation on (date):\_\_\_\_\_.
- c. ☐ Parties last participated in Judicial Custody Conference on (date):\_\_\_\_\_.
- d. ☐ Child Protective Services investigation(s) for family, if known:

**2. EVALUATION RECOMMENDATIONS:**

The Brief Focused Assessment (BFA) shall address the issues checked below. The number of issues checked below shall not exceed two (2) issues. The recommendations resulting from the evaluation shall address:

- a. ☐ **Decision Making Authority (Health, Education, and Extra-Curricular activities):** Should one parent have decision making authority relating to the child's health, education and/or extra-curricular activities?
- b. ☐ **Child's Voice:** Is it in a child's best interest to address the Court under California Rule of Court, Rule 5.250(C)(3)A and, if so, what procedure would be best for the child in order to address the Court? What are the preferences of the child, if any, regarding the time share plan?
- c. ☐ **Reconnection:** Is it in the child's best interest to reconnect with a parent who has been absent from the child's life for a significant time period? If so, state specifics of reconnection plan to establish or re-establish a relationship, including what, if any, counseling should occur.
- d. ☐ **Overnights:** When would it be appropriate to commence overnights with the child with father/mother? Recommend a plan for an overnight time share schedule that increases in frequency, if appropriate.
- e. ☐ **Special Needs Children:** What is a developmentally appropriate time share for a special needs child? Coordinate information from other sources who have evaluated the child, and implications for custodial issues (e.g. time share plan, decision-making authority).
- f. ☐ **Supervised Visitation:** Is supervised visitation needed for father/mother and, if so, what manner of supervision? Include a plan to progress to unsupervised visitation, if appropriate.
- g. ☐ **Co-parenting/Parallel Parenting:** Determine if the parents can co-parent effectively or whether a plan for parallel parenting should be put in place.
- h. ☐ **Education:** Which school shall the child attend? Include an investigation of the child's educational and learning needs.
- i. ☐ **Counseling/classes:** Shall either party or the children be required to attend counseling, rehabilitation, parenting or co-parenting programs, substance abuse counseling, domestic violence programs, and, if so, what types of programs and for how long?
- j. ☐ **Parenting Capacity:** What plan is best for the child when there are concerns about a parent's ability to safely parent a child?
- k. ☐ **Home Study:** Are there legitimate concerns regarding the appropriateness and safety at either parent's home?
- l. ☐ **Exchange Provisions:** What exchange provisions are best to insure the safety of the child and to minimize the conflict? Should the exchanges be supervised?
- m. ☐ **Update:** Update a previous custody evaluation, done by the same or a different evaluator, with specific areas of focus (e.g. age appropriate time share plan, whether a parent has completed prior court-ordered services).
- n. ☐ **Coaching Allegations:** Examine allegations of a parent coaching, pressuring, manipulating, biasing or disaffecting a child from the other parent.
- o. ☐ **Other Issues:** *[Specifically stated]* \_\_\_\_\_
- p. ☒ Evaluator may make other recommendations related to any of the above issues necessary for clarification or implementation of the recommended order, or otherwise required to address the health, safety, welfare, and best interests of the child.

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**3. APPOINTMENTS, DOCUMENTATION, AND ACCESS TO INFORMATION**

- a. Each party or that party's attorney shall contact the BFA evaluator appointed above no later than five (5) court days from the filing of this order to schedule an appointment. The parties shall appear at the evaluator's office for all appointments set for them by the evaluator.
- b. **The attorneys and the evaluator shall have a telephone or in person conference to discuss the court order. The parties shall attend the first appointment with the evaluator.** The parents shall insure that the children appear at all appointment times set for the children by the evaluator. The attorneys for the parties shall attend any appointments that are set for them by the evaluator.
- c. The attorneys for the parties or parties, if representing themselves, shall provide a copy of this order to the custody evaluator within five court days of the filing of this order. The evaluator shall have access to the court file in the matter, except for any confidential documents. Both parties and their attorneys shall cooperate in providing the evaluator with copies of filed court documents on request. In the event that the evaluator is not able to obtain copies of filed court documents from the parties or their attorneys in a timely manner, he or she may request copies from the clerk's office and there shall be no charge for the copies.
- d. An appointed BFA evaluator shall, upon presentation of a copy of this order to Family Court Services, have the authority to review the Family Court Services file, with the exception of any mediation notes and criminal records, at Family Court.
- e. Upon request, the parties shall provide the evaluator with the names, addresses, and telephone numbers for all individuals involved with the care, day care, medical, dental, mental health treatment, and education of the children.
- f. The BFA evaluator shall, at her/his discretion, have access to the children's medical, dental, mental health, and other health care records, school and educational records, and the right to interview school personnel, caretakers, health care providers, mental health professionals, and others who have assessed the children or provided care to the children. Each party shall sign releases for such information as requested by the evaluator.
- g. The BFA evaluator shall have access to any and all reports, test results, and other documents relating to the children from third parties, for example, but not limited to: mental health professionals, school personnel, Child Protective Services workers, medical and dental care providers, and day care providers. Each party shall sign releases for such information as requested by the evaluator. In the event that either party fails or refuses to sign releases required by the evaluator, the issue shall be set on the Law and Motion calendar of the All Purpose Judge for a hearing on the appropriateness of the refusal and for issuance of applicable orders regarding the records requested.
- h. Both parties shall provide copies of documents requested by the evaluator in a prompt and timely manner. In accordance with the Local Rules, any documents provided to the evaluator shall be provided to the other party at the same time and in the same manner.
- i. If either party or the evaluator contends that a party is unduly delaying the evaluation process, a party or the evaluator may place the matter on the next Case Status/ Resolution Conference calendar for review. The evaluator may appear by phone for a Case Status/Resolution Conference requested by the evaluator.

**4. FEES**

- a. Any initial fee deposits required by the evaluator shall be paid within 10 court days from the date of this order, unless other arrangements are agreed upon with the evaluator. Both parties shall pay the fees required by the evaluator in a timely manner.
- b. ☐ This matter has qualified for a reduced fee BFA. The amount of the fee, deposit requirements, and terms of the fees shall be agreed upon before the first appointment. Judge's Initials: \_\_\_\_\_
- c. The evaluator and the parties shall sign a written fee agreement for the BFA.

**5. EVALUATOR DUTIES AND AUTHORITY**

- a. The BFA evaluator shall adhere to the requirements of California Rules of Court Rule 5.220 regarding court-ordered child custody evaluations, except as otherwise stated herein, Rule 5.225, education, experience and

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training standards for court-appointed child custody investigators and evaluators, Rule 5.230, domestic violence training for court-appointed child custody investigators and evaluators and Santa Clara County Local Family Rule 2.

- b. The evaluator shall have the authority to petition the Court to withdraw from a case upon written notice to the parties, counsel, and the court.
- c. The evaluator shall, at the commencement of the BFA, provide the parties with a written explanation of the process clearly describing the:
  - (1) Procedures which may be used and the time required to gather and assess information;
  - (2) Limitations on the confidentiality of the process;
  - (3) Cost and payment responsibility for the evaluation consistent with the terms of the appointing order.
 The BFA evaluator shall have each parent sign a "Brief Focused Assessment Consent and Agreement."
- d. The BFA shall be conducted in consideration of the Guidelines for Brief Focused Assessment developed by the Association of Family and Conciliation Courts and published in 2009. The process and elements of the BFA shall follow and include those Guidelines. It is suggested that all attorneys and self represented parties review the Guidelines. The guidelines can be located at:  
<https://www.afccnet.org/Portals/0/PublicDocuments/Guidelines/BFATF2009final.pdf>
- e. The BFA evaluator shall have the authority to conduct home visits at his/her discretion.
- f. The BFA evaluator shall have the authority to contact any previously court appointed custody/visitation evaluator or assessor who shall have the authority to release case related information to the evaluator appointed by this order. Contact with any previously appointed Special Master or Parenting Coordinator shall be as specified by court order only.
- g. All information obtained as described above shall be used solely for the purpose of conducting the BFA evaluation.
- h. **The evaluator shall complete and distribute the BFA evaluation report and recommendations consistent with the procedures described in Rule 2 of the Santa Clara County Superior Court Local Family Rules no later than 60 days following the date of the first scheduled evaluation appointment. The evaluator shall notify the attorneys and/or parents if the report is not completed within 60 days but any extension of time for the report beyond the CSC date must be extended by Court order.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
PETITIONER

DATED: \_\_\_\_\_

\_\_\_\_\_  
COUNSEL FOR PETITIONER

DATED: \_\_\_\_\_

\_\_\_\_\_  
RESPONDENT

DATED: \_\_\_\_\_

\_\_\_\_\_  
COUNSEL FOR RESPONDENT

DATED: \_\_\_\_\_

\_\_\_\_\_  
COUNSEL FOR MINOR CHILDREN

|  |
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| If you settle, you are obligated to notify the clerk of the All Purpose Judge to vacate the Custody Settlement Conference. |
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 \_\_\_\_\_  
**CUSTODY SETTLEMENT CONFERENCE DATE AND TIME**  
 (90 - 100 days from the date of this Order)

IT IS SO ORDERED:

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER