

Plaintiff/Petitioner, Pro Se Defendant/Respondent, Pro Se
 Attorney for Plaintiff/Petitioner Defendant/Respondent

IN THE FAMILY COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

)	FC-____ NO. _____
)	
Plaintiff/Petitioner,)	ORDER APPOINTING
)	CUSTODY EVALUATOR
vs.)	<input type="checkbox"/> BY STIPULATION
)	
)	
)	
Defendant/Respondent.)	

ORDER APPOINTING CUSTODY EVALUATOR

BY STIPULATION

Good cause appearing, **IT IS ORDERED** that pursuant to HRS Sections 571-45, 571-46(4) and/or HFCR 45.1 and 54.2, as follows:

1. That *(name of CE)* _____
(address) _____
(city and zip code) _____
(telephone) _____ *(fax)* _____
(e-mail) _____

is appointed as the Custody Evaluator (CE) to conduct an investigation and Evaluation for the subject child(ren):

Subject Child(ren)'s Initials	M/F	Year of Birth	School and Grade

2. The investigation shall focus on the following issues:

- *special needs of the child
- *special needs of the parent Father Mother physical custody legal custody
- *educational issues of the child visitation overnight visitation
- *mental health issue Father Mother supervised visitation
- *substance abuse of the parent Father Mother child refusing visitation
- *domestic violence by Father Mother
- relocation of the parent Father Mother
- *child abuse by the parent Father Mother
- extreme hostility by the parent Father Mother
- inability of the parents to communicate
- other:

*Please elaborate in Paragraph 13 ("Other")

FATHER ATTENDED KIDS FIRST ON _____

MOTHER ATTENDED KIDS FIRST ON _____

3. Fees, Costs and Custody Evaluator Report

- A. The Custody Evaluator will receive an advance fee for the custody investigation to the CE in the amount of \$_____ plus the State of Hawai'i Tax (4.71%)

 This amount will be paid by Mother (_____) Father (_____) Split equally, and shall be made within five (5) days of the date of the filing of this Order. All costs are subject to allocation at the time of trial.

The Custody Evaluator shall be informed of this appointment within 48 hours of the date of hearing by Father Mother.

If full payment is not received by the Custody Evaluator within five (5) days of the date of the filing of this Order, then the Custody Evaluator shall not begin the evaluation or investigation.

- B. Each party is responsible for maintaining any agreement and/or contact made with the Custody Evaluator.
- C. The Custody Evaluator's Report is due on _____

D. The Original Report will be stamped “*Confidential*” and filed. A courtesy copy will be provided to the Presiding Judge. Copies will be provided to each party, via attorney, if applicable. **The parties, their agents, and their attorneys are prohibited from releasing or disseminating this Report, except as approved or directed by written court order. The parties are prohibited from discussing the contents of the report with non-parties, the subject child(ren) and/or anyone who may come in contact with the subject child(ren) except as approved by written court order. Report may be reviewed by the parties’ therapists for therapeutic purposes.**

4. The appointment of the Custody Evaluator is effective upon the filing of the “Custody Evaluator Order”. The CE’s investigative role/duty remains in effect until the custody evaluation has been completed and an Evaluator’s Report is filed with the Court. The CE’s appointment shall terminate no later than the Return Hearing on Custody Evaluator Report or until further orders are made by the Court, whichever comes first.

5. The Return Hearing on the Custody Evaluator Report is scheduled for:
_____ at _____ .m.

Both parties and the Custody Evaluator are required to attend. For any subsequent court hearings on which the Custody Evaluator is required to attend, additional fees may be required to be paid before the hearing.

6. The Custody Evaluator is **NOT** an intermediary, mediator or settlement negotiator for the case and the CE should not be requested to act in such capacity, nor is the CE to determine whether or not a material change in circumstances exists.

7. The parties shall sign all necessary consents to release information requested by the Custody Evaluator in the performance of the CE’s investigation. These consents include, but are not limited to Consents to Release Information by: the Department of Education; the Department of Human Services; the Department of Health; the Maui Police Department; psychologists, psychiatrists, teachers, medical doctors, social workers and day care providers.

8. This is a pre-decree/pre-judgment case.
 This is a post-decree/post-judgment case. The Movant’s stated material change in circumstance(s) is/are as follows:

The current order/arrangement for custody is:

joint physical custody sole physical custody to Father sole physical custody to Mother
 joint legal custody sole legal custody to Father sole legal custody to Mother

The current timesharing/visitation order/arrangement is as follows:

9. [] Plaintiff/Petitioner [] Defendant/Respondent shall forward the following document to the Custody Evaluator within five (5) calendar days from the date of the filing of this Order:

- Certified Copy of this Order
- Copies of:
 - Complaint for Divorce/Petition for Paternity;
 - Matrimonial Action Information Sheet/Hawai'i Paternity Action Information Sheet;
 - All previous custody studies or evaluations involving the subject child(ren);
 - All previous psychological evaluations involving the parties and subject child(ren); and
 - All relevant pleadings; including but not limited to Restraining Orders and any other Court matter involving the parties and/or the subject child(ren).

Each party is responsible for providing the Custody Evaluator with copies of their criminal judgment(s) and arrest record(s) from all courts.

10. Except for scheduling any payment issues, contact between the parties' attorneys and the Custody Evaluator should be minimized. Communication between the CE and the parties' counsel are not confidential.
11. The Custody Evaluator may communicate concerns and requests directly with the Court by letter with copies to all counsel and pro se parties.
12. Additional Costs and Fees: If the Custody Evaluator requires assistance of a specialist or expert to assist in this investigation, evaluation, drug testing, drug or other types of assessments/evaluations of one or both parties or the child(ren), the CE will first request a stipulation via attorney(s) of any additional costs/fees. If there is no stipulation, the CE will inform the court prior to acquiring the assistance of a specialist or expert.
13. No attorney shall communicate with the Custody Evaluator (excluding on the record court hearings) except in writing with a contemporaneous copy to the other side. The Custody Evaluator may initiate communications as he/she deems appropriate

13. Other: _____

The contact information for the parties:

	FATHER	MOTHER
Name:		
Address:		
City, State, Zip		
Home Telephone:		
Work Telephone:		
e-mail:		
Cellular Telephone:		
Attorney's Name:		
Attorney's Address:		
City, State, Zip		
Telephone Number:		
Fax Number:		
e-mail:		

DATED: Wailuku, Maui, Hawai'i _____

 JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

 Father Date

 Mother Date

 Attorney for Father Date

 Attorney for Mother Date