

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF \_\_\_\_\_

, )  
 )  
 Plaintiff, ) Case No. CV  
 )  
 vs. )  
 ) ORDER FOR BRIEF FOCUSED ASSESSMENT  
 , )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

The above-entitled matter came before the court on \_\_\_\_\_. The Plaintiff was self-represented and the Defendant was self-represented.

It appears from the court file and the representations of the parties and/or counsel that the parents are not in agreement regarding the parenting arrangements for their children. In order for the court to determine how parenting time may be structured to best serve the needs of the child/children, the court finds it is in the best interest of the child/children that the parties engage in an alternative means of resolving the issues of parenting before a hearing is held on the matter. Therefore, pursuant to Idaho Code Section 32-1402(8), and the Idaho Rule of Evidence 706, the Court appoints an expert to conduct a Brief Focused Assessment.

1. Appointment. The Court’s expert (“Assessor”) is: check one
  - a. Shelly Vegwert , at (208) 481-2611 \_\_\_\_
  - b. Huberta Phipps, at (208) 734-4809 \_\_\_\_
  - c. Kim Dobson, at (208) 539-5090 \_\_\_\_
  - d. Jason Beard, at (208) 733-718 \_\_\_\_
  
2. Obligations of the Parties. Each party is ordered to contact the assessor within five (5) working days of the date of this Order to arrange for the Brief Focused Assessment including but not limited to scheduling and payment of the Brief Focused Assessment. The parties shall each make themselves and their children available for interviews and other processes requested by the assessor. Parties shall cooperate in obtaining any

documents requested by the assessor. Parties will also cooperate in obtaining the assistance of any other person from which the assessor may require information. The parties shall cooperate in arranging home visits in a timely manner as requested by the assessor. The assessor is directed to advise the Court if one or both parties fail to make the initial or any follow-up contact within five (5) days of the date of the missed appointment. Costs for the assessment shall be allocated as follows:

- parties shall each pay one-half
- Plaintiff shall pay \_\_\_\_\_ % of the total amount
- Defendant shall pay \_\_\_\_\_ % of the total amount
- (Other) \_\_\_\_\_

Parties may qualify for state subsidy based on their income and a sliding fee scale through Family Court Services. Financial assistance for services will be considered upon submitted application including an affidavit of income. To qualify parties will need to contact Family Court Services at (208) 735-4307.

3. Duties of the Court's Expert.

The Court's expert shall conduct a Brief Focused Assessment or investigation and report his/her findings to the court and the parties. The specific focus areas according to the pleadings and representations of the parties that need to be addressed include:

- The circumstances behind the parent's wishes as to his or her custody and the custody schedule of the child/children;
- The circumstances and basis for the wishes of the child as to his/her residential living arrangements including the child's ability to articulate his/her reasoning in a developmentally appropriate way, parental influences on the child's thinking and wishes, the parent's report of the history of this request, the parenting and attachment history as well as any special needs of the child and the impact on the child if a residential change is granted;
- Assess the parent's level of conflict and the developmental needs of the child/children or any special needs of the child/children and provide some developmentally appropriate schedules;
- Assess the conditions that might benefit the child/children to establish a relationship with the absent parent and any risks that should be considered to the child/children and residential parent if access is granted;
- Assess the allegations of  mother's  father's  both parent's mental health instability or mental health concerns and how it might impact the ability to provide a consistent and safe environment during parenting time;
- Assess the allegations of  father's  mother's  both parent's drug and alcohol use and the impact on parenting and his/her/their ability to provide a

safe and nurturing environment. The assessor may request any party or a child of the parties to submit to random drug testing, including urine and hair follicle testing;

Assess the cleanliness and safety of the  mother's  father's  both parent's home;

Assess the history of domestic violence as defined in Idaho Code 39-6303, and whether or not in the presence of the child/children;

If a relocation of mother or father is allowed (more than \_\_\_\_\_ miles from the other parent), provide a developmentally appropriate access plan. Include consideration of the relocation schedule that promotes the well-being of the child, i.e. continuity in school, sports/activities, time with significant others such as grandparents in the child's life, other:  
\_\_\_\_\_.

Assess the dynamics of the child's relationship with  mother  father  step-parent(s) as it relates to the child's wishes and provide suggestions, if appropriate on how to improve the relationship(s) or if a change in the residential plan might be warranted.

Other:\_\_\_\_\_

4. Assessor's Authority and Access to Information. With the exception of mediation records and records specifically protected by state and federal law, the assessor shall have access to all records, public or private, that bear upon the physical or mental health of the parties, the children and other household members. This includes, but is not limited to, medical and dental records, school records, day care records, drug test results, court records, previous assessments and evaluations of either party. Each party shall sign releases for such information as requested by the assessor.

5.  Mandatory Settlement Conference. The parties and their attorneys shall participate in a mandatory settlement conference within 5 days of the hearing. The assessor shall not be part of the settlement conference. If the parties reach agreement regarding the issues, they shall reduce their agreement to writing, executed and acknowledge by each party, and submit it to the court along with a stipulation requesting the court to enter the agreement as a court order.

6.  Mediation. The parties may agree to mediate in good faith prior to the date below in an attempt to reach an agreement. The assessor shall not be part of the mediation. If the parties reach agreement regarding the issues, they shall reduce their agreement to writing, executed and acknowledge by each party, and submit it to the court along with a stipulation requesting the court to enter the agreement as a court order.

7. Written Report. The Brief Focused Assessment Report shall be submitted to the court and counsel and shall be sealed under I.C.A.R. 32 (g)(20). No person who has access to a report or recommendations by the court's expert will make a copy or disclose the contents thereof to the child/children or to any person not entitled to access pursuant to this Order and I.C.A.R. 32. The parties will not mention or discuss within the hearing of the child/children any statement made to the court's expert by a child/children.
  
8. Judicial Immunity. Any expert appointed by the court as a Brief Focused Assessment evaluator, investigator or assessor is performing a judicial function when conducting a Brief Focused Assessment and is entitled to quasi-judicial immunity.
  
9. Testimony and Records of Brief Focused Assessor. If either party deems it necessary to have the assessor present as a witness at trial or any hearing, that party shall be responsible for arranging for the assessor's presence and must pay the estimated expert witness fee in full in advance of the trial or hearing unless other arrangements are made in writing with the assessor. Parties who wish to review the records of the assessor must obtain a specific subpoena from the court listing specific documents requested to review. The court will consider whether the requesting party shall have access to any privileged and non-privileged documents. The requesting party must pay in advance the costs of copying/duplicating any documents authorized by the subpoena and the estimated time of the assessor to comply with the subpoena.
  
10. Hearing Date. Hearing on the contested issues of the Brief Focused Assessment is set for \_\_\_\_\_, at \_\_\_\_\_ a.m. / p.m. If the hearing is continued, the parties will give the expert witness timely written notice of the new date and time.
  
11. [ ] Other. \_\_\_\_\_

**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS FOR CONTEMPT OF COURT.**

**IT IS SO ORDERED** This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

\*

Magistrate Judge

I HEREBY CERTIFY that a true and correct copy of the foregoing order was forwarded to the following persons this \_\_\_\_\_ day of \_\_\_\_\_

Family Court Services \_\_\_\_\_ Hand Delivered \_\_\_\_\_ Mailed  
P.O. Box 126  
Twin Falls, Idaho 83303

Plaintiff/Petitioner \_\_\_\_\_ Hand Delivered \_\_\_\_\_ Mailed

Defendant/Respondent \_\_\_\_\_ Hand Delivered \_\_\_\_\_ Mailed

Custody Evaluator/Assessor \_\_\_\_\_ Hand Delivered \_\_\_\_\_ Mailed

\_\_\_\_\_  
Deputy Clerk