

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,)
Petitioner,) Case No. CV _____
vs.)
)
) ORDER FOR BRIEF FOCUSED ASSESSMENT
_____,)
Respondent.)
_____)

The above-entitled matter came before the Court on _____.
The Petitioner was represented by, _____, or [] self-
represented and the Respondent was represented by, _____, or [] self-
represented.

It appearing by [] motion of _____ [] stipulation of the parties that
information provided pursuant to Idaho Rule of Family Law Procedure Rule 720 regarding the
defined issue (s) identified herein could provide the Court with information that would serve the
needs of the child/children before a hearing is held on the pending resolution of a child custody
dispute. Therefore, pursuant to Idaho Rule of Evidence 706, the Court appoints an expert to
conduct a Brief Focused Assessment.

1. Appointment. The Court's expert ("assessor") is: _____.
2. Child/ren to be assessed, by name and date of birth: _____
_____.
3. Obligations of the Parties. Each party is ordered to contact the assessor within five (5)
working days of the date of this Order to make arrangements 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 child/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) as determined of submission of application for assistance.

4. Duties of the Assessor. The assessor shall conduct a Brief Focused Assessment or investigation and report his/her findings to the court and the parties. The specifically identified focus areas that need to be addressed shall be limited to not more than three of the following issues:

- the wishes of the child or children regarding custody, including the context and bases for those wishes;
- the child/ren's academic performance and functioning within a defined time period, including, but not limited to, circumstances surrounding the child/ren's attendance at school or lack thereof;
- the adequacy of the residence(s) of one or more of the child/ren's physical custodians including, but not limited to, cleanliness and safety;
- the adequacy of the physical environment of any or all third-party care providers to the child/ren including, but not limited to, cleanliness and safety;
- whether any or all of the parties presently consume drugs or alcohol in a manner that adversely impacts his/her/their ability to provide proper parental care to the child/ren; in so doing, the assessor may request any party or a child of the parties to submit to random drug testing, including urine and hair follicle testing;
- whether or not the child/ren are fearful of one of the parties including, but not limited to, at custody exchanges;
- the identification of present mental health issues in any or all parties and, how those issues are likely to impact parenting capacity, and/or the party's ability to provide a consistent and safe environment during custody time;
- in cases involving a disabled party, the identification of adaptive equipment or supportive services that are available which enable the disabled party to carry out the responsibilities of parenting the child/ren; and,
- The following narrowly-defined issue: _____

_____.

5. 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.

6. [] 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.
7. [] 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.
8. Admissibility of Reports. A report prepared consistent with this rule shall be admissible into evidence, subject to cross-examination. The court may consider the information contained in the report in resolving the issue(s) addressed in the assessment. The Idaho Rules of Evidence do not exclude the report from consideration by the court.
9. Form of the Report and Transmittal to the Court. The Assessment shall include:
 - A. a discussion of issues related to the referral question, including acknowledgment of the limitation to the data;
 - B. conclusions relevant to the issues raised in the referral question, if requested by the court; and
 - C. documentation that limits of confidentiality was explained.

The written report shall be submitted to the Court provided that copies are contemporaneously distributed to the parties. The parties shall have an opportunity to cross-examine the assessor if the contents of the assessment are introduced into evidence in the form of expert testimony or a written report.

10. 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 qualified judicial immunity.

11. 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.

12. [] 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