

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____ PART _____**

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Plaintiff,

-against-

Index No.

**ORDER APPOINTING
FORENSIC EVALUATOR
FOR
CUSTODY PROCEEDINGS**

Defendant.

-----X

J.:

IT IS HEREBY ORDERED that _____, located at _____, telephone number (_____) _____, facsimile number (_____) _____, shall conduct a complete forensic evaluation of the parties and the child(ren) in this matter, including but not limited to evaluations of each parent, the child(ren), and each parent with the child(ren), in such environments and circumstances as the evaluator finds appropriate, as well as interviews with any extended family members or personnel affiliated with either party's household(s) with whom the evaluator wishes to speak; and it is further

ORDERED, that the evaluator is to focus specifically on the following issues:

; and it is further

ORDERED, that the evaluator, upon finding it necessary or appropriate, and upon obtaining prior written permission from the Court, may engage the services of a

psychologist to conduct any testing of either party the evaluator feels appropriate or necessary in the course of the evaluations. The fees for any such evaluation, including an initial retainer and subsequent fees to said psychologist, shall be shared in the same manner as hereinafter directed in this Order; and it is further

ORDERED, that the evaluator, upon finding sufficient cause, and upon obtaining prior written permission from the Court, may engage any specialists or experts in a particular field to investigate and evaluate any special concerns that may arise during the course of the evaluation, and the fees for any such evaluation, including an initial retainer and subsequent fees, shall be shared in the same manner as hereinafter directed in this Order; and it is further

ORDERED, that the parties shall fully cooperate with the evaluator, and, upon his/her request, shall provide releases such that the evaluator may speak with any physician or therapist involved in the child(ren)'s welfare, or any individual therapist, group therapist or leader, psycho pharmacologist, personnel from any facility, or physician of either party whose input the evaluator believes would be helpful in the course of the evaluation; and it is further

ORDERED, that upon the request of the evaluator, the parties shall provide releases such that the evaluator may procure any written records, treatment, medical, pharmaceutical, or otherwise relevant to either party or the child(ren) that the evaluator believes will assist the evaluator in conducting the evaluations; and it is further

ORDERED, that upon finding sufficient cause, and upon obtaining prior written permission from the Court, the evaluator may refer the parties for forensic drug testing. The failure to submit to such testing timely, upon notice to the parties by the evaluator, may be considered by the evaluator in his or her evaluation; and it is further

ORDERED, that the Father shall pay _____% of the evaluator's fees, and the Mother shall pay _____% of the evaluator's fees, including an initial retainer in the sum of \$_____, which may be replenished upon notice by the evaluator, and such payments may be subject to reallocation at trial; and it is further

ORDERED, that the evaluator shall conduct the necessary interviews and investigations, and thereafter shall submit to the Court a report ***within ninety (90) days from the date of this Order*** as to the evaluator's assessment of each parent's ability to make appropriate decisions for the child(ren), as well as any risk factors which may impact on the residential arrangements and/or access schedule to be ordered by the Court. The evaluator shall also report to the Court on any emotional, developmental or psychological needs of the child(ren), as well as any other issues the evaluator believes the Court should consider in making its custody and access determinations. The evaluator shall make no recommendation to the court as to which parent ultimately should have custody of the child and further shall make no recommendation as to specific parenting schedules; and it is further

ORDERED, that any and all documents, papers or other material furnished to the evaluator by the parties must also be copied and forwarded to the adversary within three (3) business days; and it is further

ORDERED, that neither party's attorney, nor the law guardian for the children, if any, shall have any contact with the evaluator, except with regard to scheduling and payment issues; and it is further

ORDERED, that the parties are to contact the evaluator within one week from the date of this Order such that the evaluations shall commence in a timely fashion. In addition, the evaluator's retainer shall be paid within ten (10) business days of the date of this Order.

Dated:

ENTER:

Justice of the Supreme Court

LAW OFFICES OF BRIAN D. PERSKIN