

## **SAN FRANCISCO UNIFIED FAMILY COURT CUSTODY EVALUATION EXPERT LIST**

ANY PROFESSIONAL ON THE UNIFIED FAMILY COURT CUSTODY EVALUATOR LIST HAS INDICATED THAT HE, OR SHE, MEETS THE CLINICAL LICENSING AND CALIFORNIA RULES OF COURT MANDATES REQUIRED TO PERFORM THE SERVICES OF A **CUSTODY EVALUATOR** AND THAT SHE, OR HE, SPECIALIZES IN THE AREAS INDICATED

**THE SAN FRANCISCO UNIFIED FAMILY COURT DOES NOT SPECIFICALLY ENDORSE THE SERVICES OF ANY PARTICULAR PROVIDER ON THIS LIST, NOR DOES THE COURT VERIFY THAT CUSTODY EVALUATORS DO, IN FACT, MEET LICENSING OR RULE OF COURT REQUIREMENTS**

### **1. Inclusion on the court's custody evaluator list**

- a. In order to be included on the court's evaluator list, an evaluator must provide the court with:
  - i. a declaration that the evaluator meets the requirements of California Rules of Court 5.220 et seq.,
  - ii. A copy of a recent full custody evaluation (names must be redacted):
    - (1) The evaluation will be reviewed by the supervising mediator to determine that the report meets the minimum standards required of evaluators by the San Francisco Unified Family Court, as set forth below;
    - (2) In the event that the report does not meet the court's minimum standards, the supervising mediator will inform the evaluator of the areas of deficiency and give the evaluator the opportunity to submit a subsequent evaluation for review.
  - iii. any other information that may be requested by the court, such as, a Curriculum Vita or the evaluator's areas of specialty.
- b. In order to remain on the court custody evaluator list, custody evaluators must meet the following minimum Standards of Practice, in addition to meeting the requirements of the California Rules of Court:
  - i. Complete full custody evaluations within 6 months, maximum, (Brief Focused Assessments within 2 months) from the date of assignment, or request an extension of time from the court by contacting the coordinating mediator with:
    - (1) specific reasons why more time is needed; and
    - (2) an estimate of when the report will be completed.
  - ii. Have knowledge of San Francisco Local Rules, including its custody evaluation procedures, and applicable laws and California Rules of Court related to custody and timeshare matters.
  - iii. Maintain ongoing contact with Family Court Services and the court, per local rules and procedures.
  - iv. Provide parties with a contract of service that clearly defines the parties' rights and obligations, including fees and costs, as well as the evaluator's obligations to the parties, prior to the commencement of the evaluation process.

- v. Have the necessary training and experience to address the specific areas of inquiry being sought by the court.
- vi. Accommodate the parties' and other collaterals' schedules, as much as possible, in order to efficiently collect any needed information to complete the evaluation.
- vii. Receive informed consent from Individuals contacted for information during the course of the evaluative process, in writing when feasible, including information as to how the evaluator may use the information gathered from them and that the information may be discoverable.
- viii. Refrain from making interim reports except in emergency situations or as may be requested by the court.
- ix. Refrain from sending addendum reports to the court unless the court has ordered that it be prepared.
- x. Follow the Model Standards of Practice for Child Custody Evaluation of the Association of Family and Conciliation Courts (AFCC), published in May 2006, and any subsequent drafts thereof.
- xi. Participate in judicial settlement conferences, as may be requested by the court.
- xii. The custody evaluation report must comply with California Rules of Court and follow AFCC Standard of Practice, as set forth above, with particular attention to the need to:
  - 1. Provide specific recommendations to the court that are clearly tied to the information reported in the evaluation.
  - 2. Provide specific and clear recommendations related to the court's referral question(s).
  - 3. Provide an accurate and fair report that includes only that information that is relevant to the issue identified by the court for evaluation.
  - 4. Write the evaluation in a style that indicates each parent's strengths, without minimizing any concerns related to the best interests of the child.

**2. Process for removing evaluators from the court's custody evaluator list**

- a. An inquiry as to an evaluator's standing on the court's panel may be made when the supervising mediator receives a written complaint or the supervising mediator has personal knowledge of concerns related to an evaluator's performance. Oral or anonymous complaints will not be used as a basis for inquiry into the evaluator's meeting court-required standards.
- b. In the process of investigating a particular complaint, the supervising mediator may ask Bench Officers and mediators about their experience working with the evaluator in question, prior to making any decision to take remedial action.

- c. The supervising mediator will have an informal discussion with the evaluator about the specifics of any complaints that concern these minimum standards.
- d. If an evaluator has more than one complaint, or if a single complaint raises enough concern, the supervising mediator will set up a formal discussion with the evaluator to:
  - i. Discuss the issues raised;
  - ii. Set out what specific changes must be demonstrated in order to remain on the court's list, with specific reference to the court's minimum standards of practice;
  - iii. Set up a specific timetable for certain goals to be met by the evaluator, or some other remediation, so that the supervising mediator can make a recommendation as to whether the evaluator has made the necessary changes to remain on the court's list;
  - iv. Give the evaluator a warning of possible removal from the court list if the goals are not met.
  - v. If the supervising mediator, after discussion with the evaluator, believes that removal from the court's list is appropriate during the period of remediation, the supervising mediator will make that recommendation to the Supervising Judge of the Unified Family Court, per e (iii), below. Reinstatement to the court's panel may be effectuated per section 3, below.
- e. If the supervising mediator determines that the evaluator has not complied with the goals set, the supervising mediator will provide the following information to the evaluator and to the Unified Family Court Supervising Judge:
  - i. A summary of the complaint(s), with reference to the particular minimum standard(s) of practice at issue;
  - ii. The goals and timetable for the evaluator to rectify the issues;
  - iii. The supervising mediator's recommendation to remove the evaluator from the court list.
- f. The Supervising Judge will make the final determination of whether or not an evaluator will remain on the court's list and if there are any conditions to their continued inclusion on the list.

### **3. Reinstatement to Custody Evaluator List**

- a. An evaluator may reapply to the court's evaluator list by:
  - i. complying with all of those requirements for evaluators set out in #1, above; **and**
  - ii. demonstrating appropriate remediation of the issues for which the evaluator was removed from the court's list