

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**PRIVATE CHILD CUSTODY EVALUATOR
INFORMATION PACKET**



FORMS INCLUDED IN THIS PACKET	
Qualified Private Child Custody Evaluator Information Sheet	SDSC Form #D-138
Declaration of Private Child Custody Evaluator Regarding Qualifications	Judicial Council Form #FL-326



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

QUALIFIED PRIVATE CHILD CUSTODY EVALUATOR INFORMATION SHEET

The information provided in this document may be used to help parties find a private child custody evaluator who is qualified under the law to be appointed by the San Diego Family Court. A child custody evaluator appointed by the court assists the court in determining the health, safety, welfare, and best interest of children with regard to disputed custody and visitation issues. The court does not maintain a list of qualified private evaluators nor does it endorse, evaluate, supervise, or monitor any particular child custody evaluator. While the court has tried to provide as much information in this document as possible, it is not exhaustive.

A private child custody evaluator can be one of four types of mental health professionals. These mental health professionals may be located by searching the Internet or telephone book, or by getting a referral from family, friends, or a family law attorney. Several Internet sites¹ that may be useful are www.medbd.ca.gov (The Medical Board of California); www.psychboard.ca.gov (California Board of Psychology); www.bbs.ca.gov (California Board of Behavioral Sciences); www.sdpsych.org (San Diego Psychological Association); www.apa.org (American Psychological Association); www.psych.org (American Psychiatric Association); www.aamft.org (American Association for Marriage and Family Therapy); and www.camft.org (California Association of Marriage and Family Therapists). Keep in mind that belonging to or being certified or licensed by a professional organization does not necessarily mean the individual is qualified under California law to act as a child custody evaluator in the family court.

The legal qualifications and responsibilities for a private child custody evaluator are extensive and are primarily set forth in the Family Code, sections 3110.5, 3111, 3118, 1815, and 1816; Evidence Code, section 730; and the California Rules of Court, rules 5.220, 5.225, and 5.230. The full text of these laws may be found at the public law library, on some Internet sites, or through an attorney. The law should be reviewed in conjunction with all other information. **It is the responsibility of the parties to ensure that a private child custody evaluator meets or exceeds all the legal qualifications for a court appointment and to verify his or her credentials. The court does not endorse, evaluate, supervise, or monitor private child custody evaluators nor does the court verify their legal qualifications or credentials.**

The court does, however, require that all private child custody evaluators appointed by the court sign a *Declaration of Private Child Custody Evaluator Regarding Qualifications* (Judicial Council Form #FL-326) under penalty of perjury and file it with the court within 10 days of the appointment, attesting to the fact that they meet all the licensing, education, training, and experience requirements mandated by California law. This form is available at the court and may be found at www.courtinfo.ca.gov/forms.

The following is a summary of the legal requirements for an individual to be appointed by the court as a private child custody evaluator:

Licensing Requirements

A qualified private child custody evaluator must be licensed as a: (1) physician and is either a board certified psychiatrist or has completed a residency in psychiatry; (2) psychologist; (3) marriage and family therapist; (4) clinical social worker; or (5) there are no licensed or certified evaluators who are willing and available, within a reasonable period of time, to perform a child custody evaluation and the parties stipulate to the person and the court approves the person.

1. The San Diego Superior Court does not control or maintain the websites in this document and cannot be responsible for the accuracy of the information or content they contain. In addition, the content of a website may change, and the court would not necessarily be aware of the change. When you access one of these websites, you are subject to the terms of use and privacy policies of that website.

Education and Training Requirements

A private child custody evaluator must have completed 40 hours of education and training in 21 specific topics set forth in California Rules of Court, rule 5.225(d). This education and training must be completed after January 1, 2000, through an eligible provider by either (a) attending and participating in an approved course, or (b) serving as an instructor in an approved course. A child custody evaluator must also complete eight hours of annual update training under rule 5.225(h). All education and training must be completed through an eligible provider as described in rule 5.225(m).

Domestic Violence Training

In addition to the requirements described in rule 5.225(d), child custody evaluators must comply with the basic and advanced domestic violence training requirements described in California Rules of Court, rule 5.230 and Family Code, section 1816. This includes 16 hours of advanced training within a 12 month period, which must include 12 hours of instruction in 16 categories described in the rule. Evaluators must also complete four hours of update training annually in specified areas of domestic violence described in the rule. All domestic violence training must be through eligible providers as set forth in rule 5.230(e) and Family Code, section 1816.

Experience Requirements

Persons appointed as child custody evaluators must have participated in the completion of at least four partial or full court appointed child custody evaluations within the preceding three years, as described in rule 5.225(g). Each of the four child custody evaluations must have resulted in a written or an oral report. There are specific experience requirements for pre-2009 evaluators and new requirements effective January 1, 2010, set forth in rule 5.225(g).

Complaint Procedure

All complaints regarding an evaluator's performance shall be made in writing and addressed to the Supervising Judge of the Family Court. Complaints shall be as specific as possible in describing what the evaluator did or did not do. The Supervising Judge or his/her designee(s) will investigate, evaluate, and respond to the complaint in due course.

The full text of the California Rules of Court, rules 5.220, 5.225 and 5.230, as referred to in this document, may be found at: www.courtinfo.ca.gov/rules

The full text of all law, including Family Code sections 3110.5, 3111, 3118, 1815 and 1816; and Evidence Code section 730, as referred to in this document, may be found at: www.leginfo.ca.gov

EVALUATOR (Name and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____	
DECLARATION OF PRIVATE CHILD CUSTODY EVALUATOR REGARDING QUALIFICATIONS	CASE NUMBER: _____

- I, (name): _____, declare that if I appeared in court and were sworn, I would testify to the truth of the facts in this declaration.
- On (date): _____, I was appointed by the court to perform a child custody evaluation in this case.
- I submit this form to indicate compliance with all applicable requirements for a private child custody evaluator under rule 5.225 of the California Rules of Court at the time of my appointment to this case.

LICENSING REQUIREMENTS

- ☐ I am licensed as a psychologist, marriage and family therapist, or clinical social worker;
- ☐ I am licensed as a physician and I am a board-certified psychiatrist, or I have completed a residency in psychiatry; or
- ☐ I am not licensed as indicated in 4a or 4b.

NOTICE: If item 4c is checked the court may not appoint the person to perform a child custody evaluation in this case unless, under Family Code section 3110.5(d) and rule 5.225(c)(2)(B) of the California Rules of Court, all the following criteria have been met:

- The court determined that there are no evaluators who meet the licensing requirements who are willing and available, within a reasonable period of time, to perform child custody evaluations;
- The parties have stipulated that the person may conduct the child custody evaluation; and
- The court approves the person's appointment.

EDUCATION AND TRAINING REQUIREMENTS

- I have completed:
 - ☐ The basic and advanced domestic violence training requirements under rule 5.225(e); and
 - ☐ The 40 hours of education and training requirements under rule 5.225(d).

CONTINUING EDUCATION AND TRAINING REQUIREMENTS

- ☐ I have recently completed the initial education and training in item 5. I am required to complete the continuing education requirements of rule 5.225(i) by (specify): _____ (within 18 months after completing the initial education and training described in item 5); or
 - ☐ I have completed the continuing education and training requirements under rule 5.225(i) within the 12-month period immediately preceding my appointment to this case:
 - ☐ 8 hours of update training requirements covering the subjects described in rule 5.225(d)
 - ☐ 4 hours of domestic violence update training under rule 5.230

EVALUATOR'S NAME: PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
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7. ☐ I have complied with the experience requirements for a private child custody evaluator specified in rule 5.225(g) because I participated in the completion of four court-appointed child custody evaluations in the preceding three years.
- a. ☐ I independently conducted and completed the child custody evaluations as required in rule 5.225(g)(1)(A); or
- b. ☐ I materially assisted another evaluator as stated in rule 5.225(g)(1)(B).
8. ☐ I have not complied with the experience requirements for child custody evaluators stated in rule 5.225(g)(1).
NOTICE: If item 8 is checked, the court may not appoint an evaluator to perform a child custody evaluation unless, under rule 5.225(g)(2), all the following criteria have been met:
1. The court determined that there are no child custody evaluators who meet the experience requirements for child custody evaluators who are willing and available, within a reasonable period of time, to perform child custody evaluations;
 2. The parties have stipulated that the person may conduct the evaluation; and
 3. The court approves the person's appointment.

USE OF INTERNS

9. ☐ I intend to use interns to assist with the child custody evaluation in the manner disclosed and agreed to by the parties and attorneys in the case. Each intern will have complied with the criteria of rule 5.225(m) and will work under my supervision at all times.

NOTICE

**Private child custody evaluators must complete this form and file it with the clerk's office no later than 10 days after notification of each appointment and before beginning any work on the child custody evaluation.
(Cal. Rules of Court, rule 5.225(l)(1)(B).)**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)