**APPENDIX A**

**Form FPN8-1**

[Family Practice Note 8]

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| COURT FILE NUMBER: | Clerk’s Stamp |
| COURT: | COURT OF QUEEN’S BENCH  OF ALBERTA |
| JUDICIAL CENTRE: |  |
| PLAINTIFF/Applicant or Respondent: |  |
| DEFENDANT/Applicant or Respondent: |  |
| DOCUMENT | **Practice Note 8**  **Child Custody/Parenting Evaluation Order** |
| ADDRESS FOR SERVICE AND CONTACT IFNORMATION OF PARTY FILING THIS DOCUMENT |  |

DATE ON WHICH ORDER WAS PRONOUNCED:

LOCATION OF HEARING: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER:

UPON NOTING the consent of *[specify Plaintiff/Defendant and names]*;

AND UPON the Court being advised that the name and birth date of each child of the parties’ marriage or relationship is as follows:

*[Child’s name]*born *[child’s date of birth]*; and

*[Child’s name]*born *[child’s date of birth]*;

AND UPON NOTING the current parenting arrangement has been set by interim Order of Justice *[name of Justice]*, which provides that *[describe nature of parenting arrangement].*

AND UPON NOTING that the Court wishes to have a Child Custody/Parenting Evaluation (the “Evaluation”) to assist the Court in determining the parenting and decision-making arrangements that are in the best interests of the child(ren);

AND UPON NOTING that the Evaluation shall be used for final determination of parenting issues through agreement by the parties, or by summary trial or trial, and shall not be used by the Court for an interim order on parenting or decision-making unless otherwise ordered by the Court;

AND UPON NOTING that the Parenting Expert is a Court expert who must give independent evidence to the Court;

AND UPON NOTING the process set out herein is a Court directed process and is not confidential unless otherwise ordered by the Court and that no confidentiality attaches to the information shared by the parties, third parties or the child(ren) with the Parenting Expert and that all such information may be disclosed to the Court;

AND UPON the Court being satisfied that the parties are able to pay the cost of the Evaluation, or that the party seeking the Evaluation is able to pay the entire cost of the Evaluation at first instance, subject to their right to seek a contribution from the other party at the conclusion of the Evaluation;

AND UPON noting the Parenting Expert’s consent to act and approval of the terms of this Order endorsed hereon;

AND UPON the Court being advised that the parties have signed the Parenting Expert’s service agreement;

AND UPON *[insert any other relevant information]*;

**IT IS HEREBY ORDERED THAT:**

1. *[Name of Parenting Expert]* is hereby appointed as a Parenting Expert to complete a Child Custody/Parenting Evaluation under Family Law Practice Note 8.
2. The action shall be case managed. Within seven (7) days of the date of this Order, the party seeking the Evaluation shall complete and submit the Request for Appointment of a Case Management Justice found on the Alberta Courts’ website. The Response to a Request for the Appointment of a Case Management Justice is not required.
3. Within 45 days of the granting of this Order, the parties will meet with the Case Management Justice, set the matter for trial or summary trial, and pay the required fees. The parties will file Forms 36 to 39 as directed by the Case Management Justice.
4. *[Name of party]* will provide a copy of this filed Order to the Civil Trial Coordinator in this judicial centre.
5. Subject to the ultimate determination by the trial Justice as to how the parties shall bear the cost of the Parenting Expert, payment to the Parenting Expert shall be paid by the parties as follows:
6. *[Name of party]* shall pay *[percentage]* of the costs in the interim;
7. *[Name of other party]* shall pay *[percentage]* of the costs in the interim;
8. Each party *[or name of the party]* shall pay the Parenting Expert’s retainer in thesumof *[amount]* by *[date].*
9. The parties shall not, without leave of the Case Management Justice, make further applications or proceed with steps in previously scheduled applications until the Evaluation is completed.
10. The Parenting Expert shall be provided with the following documentation only:
11. filed Court applications (not affidavits or sworn statements under the *Family Law Act*) and Court Orders;
12. professional reports or letters provided to the Court, including Practice Note 7 letters or Intervention Report(s); and,
13. *[Insert any other documentation ordered by the Court]*.
14. Each party may provide the names of no more than three (3) personal collateral witnesses whom the Parenting Expert may interview. This shall not limit the Parenting Expert from contacting any professional or other collateral witnesses the Parenting Expert deems appropriate.
15. All third parties involved with the child(ren) and their parents, including but not limited to the child(ren)’s teachers and school authorities, family and child counsellors and assessors, mediators, church personnel, visit supervisors, medical service providers, psychologists and social workers are hereby authorized to be interviewed and to release any and all information about the child(ren) and their parents, including documentary information, to the Parenting Expert, where release is not prohibited by statute, privilege or otherwise. The ability of the parenting expert to obtain information, including documentary information, from a person employed or assisting in the administration of the *Child, Youth and Family Enhancement Act*, is subject to the confidentiality and privilege provisions of that Act, including section 126.11 thereof.
16. The parties and the child(ren) shall cooperate with the Parenting Expert and attend before the Parenting Expert, answer questions, submit to testing, and allow access to the child(ren)’s current or proposed accommodation.
17. If, in the Parenting Expert’s professional judgment, it is necessary for the Parenting Expert to speak with a child, either alone or with the parents, the consent of the parents is hereby dispensed with.
18. *[This clause is optional; use only when applicable, provided safety can be maintained.]* The Queen’s Bench No-contact Order/Emergency Protection Order/Queen’s Bench Protection Order/Restraining Order *[dated]* is limited or suspended by the following terms: *[List terms]* to the extent necessary to facilitate the Evaluation.
19. The Parenting Expert may seek, at any time, the direction of the Court on any matter. The Parenting Expert shall, by letter addressed to the Court and copied to counsel (or to the parties where they are self-represented), seek direction in the following circumstances:
20. either party withdraws from the Evaluation;
21. either party fails to cooperate with the Parenting Expert;
22. either party fails to pay the retainer as directed in paragraph 5;
23. where information necessary for completion of the Evaluation is in the possession of a third party and an application under Rule 5.13 of the *Rules of Court* or section 126.11 of the *Child, Youth and Family Enhancement Act* is necessary; or,
24. where the Parenting Expert wishes to review other records (print or electronic).
25. Where a party objects to the Parenting Expert’s review of a requested record, the party shall bring an application opposing production within 15 days of the date of the Parenting Expert’s letter to the Court.
26. The Parenting Expert shall prepare an Evaluation Report. The Evaluation Report shall include the following:
27. the Parenting Expert’s name and qualifications;
28. the information and assumptions on which the Parenting Expert’s opinion is based;
29. a list of all persons interviewed or observed;
30. a summary of the Parenting Expert’s observations and opinion(s); and,
31. an appendix containing the Parenting Expert’s recommendations to the parties.
32. The Parenting Expert shall provide two (2) copies of the Evaluation Report to the Case Management Justice (one for the Court file and one for the Case Management Justice’s file), and a copy to counsel for the parties. The parties shall not receive a copy of the Evaluation Report, but they may receive, from either counsel or the Parenting Expert, a copy of the appendix to the Evaluation Report containing the Parenting Expert’s recommendations.
33. The parties may review the entire Evaluation Report at their counsel’s office, while under supervision. They are not permitted to have a cell phone or other electronic device in their possession while viewing the report. The parties shall not receive a copy or make handwritten notes or electronic copies of the report without prior leave of the Court.
34. Where a party is self-represented, the party may contact the Court to arrange to review the entire Evaluation Report in the presence of a Clerk of the Court, which may include a Clerk of the Provincial Court. Parties shall not have a cell phone or other electronic device in their possession while viewing the report. The parties shall not receive a copy or make handwritten notes or electronic copies of the report without prior leave of the Court.
35. The child(ren) shall not see or receive copies of any portion of the Evaluation Report, including any appendix, nor shall the parties discuss any aspect of the report with the child(ren), including the Parenting Expert’s recommendations.
36. Counsel shall not provide copies of the Evaluation Report, nor disclose the contents of the report, including the Parenting Expert’s recommendations, to any other person except for a second Parenting Expert properly retained to conduct a work file critique.
37. Within 60 days of completion of the Evaluation, the parties shall schedule and attend a case conference with the Case Management Justice, counsel (where one or both parties is represented), and the Parenting Expert (who may appear by telephone) with a view to discussing resolution of the parenting issues. If it appears that resolution is not possible, the case conference will address procedural matters in preparation for final determination of the parenting issues.
38. Neither party may bring a complaint to the professional body governing the practice of the Parenting Expert until after:

a) the parties have resolved all parenting issues as evidenced by a written settlement agreement or final order or judgment; or,

b) the Court has rendered its decision in the matter for which the Evaluation has been ordered, and all appeals have been heard or all appeal periods have expired.

1. *[This clause is optional; use only when applicable.]* The consent of *[Name of party]* to this Practice Note 8 Evaluation is hereby dispensed with.
2. *[This clause is optional; use only when applicable.]* Rule 9.4(2)(c) is invoked.

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Consent to Act and Approval of Order

as to Content *[Name of Parenting Expert]*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*[Choose as applicable]* Consented to or Approved as to Content

*[Name of Counsel]* for *[Name of party]*

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*[Choose as applicable]* Consented to or Approved as to Content

*[Name of Counsel]* for *[Name of party]*

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Justice of the Court of Queen’s Bench