

CAUSE NO. _____

IN THE INTEREST OF:

IN THE _____ JUDICIAL DISTRICT COURT

A CHILD/CHILDREN

COUNTY, TEXAS

ORDER FOR PSYCHOLOGICAL EVALUATION(S)

IT IS ORDERED that Susan Fletcher, Ph.D., Licensed Psychologist, 2500 Legacy Drive, Suite 120, Frisco, Texas (972) 612-1188 is appointed as the Court Appointed Psychologist to interview, examine, evaluate, and consult with the following persons (hereafter referred to as the "evaluation subjects") for the purpose of making any and all appropriate mental evaluations under Texas Rule of Civil Procedure 204.4:

[NAMES OF EACH OF THE CHILDREN SUBJECT OF THE SUIT OR PARTIES TO BE EVALUATED]

IT IS ORDERED that each of the evaluation subjects shall submit to a psychological examination and evaluation by the Court Appointed Psychologist, and shall contact the Court Appointed Psychologist to schedule the interviews and meetings necessary to complete such examination and evaluation within three days after the signing of this order.

IT IS ORDERED that each of the evaluation subjects shall cooperate with the Court Appointed Psychologist, attend all interviews and meetings as requested by the Court Appointed Psychologist, and submit to such psychological testing, examination and evaluation procedures as are requested by the Court Appointed Psychologist in order to perform the evaluations ordered herein.

IT IS ORDERED the psychological evaluations shall include, but are not limited to, interview of the evaluation subjects, psychological testing, review of records provided by the parties, and review of collateral information as deemed necessary by the Court Appointed Psychologist.

IT IS FURTHER ORDERED that the nature and extent of the interview, tests, examinations, and other procedures shall be at the sole discretion of the Court Appointed Psychologist.

IT IS ORDERED that with the exception of mediation records or records protected by the attorney-client privilege, the parties shall make available to the Court Appointed Psychologist, in a prompt and timely manner, all records, public or private, that bear upon the physical health, mental health, criminal history, or personal/interpersonal functioning of any of the evaluation subjects. The evaluation subjects are ORDERED to provide the Court Appointed Psychologist whatever releases are necessary to obtain such information.

IT IS ORDERED that the cost associated of preparing evaluations shall be divided between the parties as follows: _____ % Petitioner _____ % Respondent _____ % Intervenor

The parties are ORDERED to pay their respective portions of these costs at such times and in such amounts as the Court Appointed Psychologist may direct.

IT IS ORDERED that the Court Appointed Psychologist shall testify at any deposition or hearing in this case at the written request of any attorney of record or party who represents themselves upon issuance of a subpoena, however, unless otherwise ordered by the Court, the requesting party shall be responsible for the Court Appointed Psychologist's customary and usual fees for testifying and said fees shall be paid in advance prior to the hearing and payment of said fees shall be a condition precedent to the requested testimony, unless otherwise ordered by the Court or agreed upon by the Court Appointed Psychologist and the requesting party.

IT IS ORDERED that the Court Appointed Psychologist shall prepare, at least thirty days prior to trial, a detailed written report of the evaluation ordered herein, setting out the Court Appointed Psychologist's findings and recommendations, including results of all tests made, diagnoses, opinions and conclusions ("the Report").

IT IS ORDERED that the Report shall not be filed with the Court in this case, but that such Report is admissible in evidence for all purposes.

IT IS ORDERED the Report shall be contemporaneously delivered to each attorney for a party, each Amicus Attorney or Guardian Ad Litem involved in the case, and to any party who represents themselves.

IT IS ORDERED that each party (1) shall use the Report of the Court Appointed Psychologist only for the purpose of the proceedings in this suit affecting the parent-child relationship; (2) shall not disclose or disseminate the Report of the Court Appointed Psychologist or any information derived there from to any person for any purpose (including but not limited to relatives, employees and employees of either party) except to such party's attorneys, employees of the party's attorney and any expert retained with respect to the issues involving the parent-child relationship; and (3) shall not use the Report of the Court Appointed Psychologist or information derived there from in any other cause of action or litigation unless in a suit affecting the parent-child relationship and unless the Court determines the Report to be relevant in such suit.

IT IS ORDERED that any attorney of record in this case or a party who represents themselves must file a Motion for Disclosure and obtain an Order from this Court to access any part of the evaluation file of the Court Appointed Psychologist except for the Psychologist's Evaluation Report. Any disclosure of the Psychologist's evaluation file to any designated expert witness(es) shall also require an Order from this Court. The Court-Appointed Psychologist must be copied on any Motion for Disclosure and must receive notice of any hearing on a party's Motion for Disclosure. Except for the Evaluation Report, the Court-Appointed Psychologist shall not disclose any part of her Evaluation File without an Order from this Court.

The parties are advised and IT IS ORDERED that pursuant to Rules 509 and 510, Texas Rules of Evidence, NO RIGHT OF CONFIDENTIALITY OR PRIVILEGE attaches to any

communication made to or with the Court Appointed Psychologist that is relevant to this case proceeding.

IT IS FURTHER ORDERED that all materials provided to the Court Appointed Psychologist by either party's counsel shall concurrently be provided to all other counsel of record, and any party who represents themselves, if such documents have not been previously produced.

The Court finds that the immunity afforded to the Court Appointed Psychologist through appointment by the Court is often insufficient to protect that Court Appointed Psychologist from defending against a complaint filed with the Texas State Board of Examiners of Psychologists or the Texas Behavioral Health Executive Council. The Court further finds that it is in the best interest of the children, the parties, and the public, that the Court Appointed Psychologist should be allowed to follow the Court's Order without fear of reprisal for conducting services and making recommendations consistent with this order. Therefore, IT IS ORDERED that prior to a party, attorney, or person(s) acting on behalf of a party or attorney subpoenaing, issuing notice of intent to take the deposition of, or filing a complaint against the Court Appointed Psychologist with the Behavioral Health Executive Council (BHEC), a motion be set and heard by the Court. Failure to so do can result in sanctions, attorney fees, and/or contempt proceedings.
IT IS SO ORDERED.

Signed on this _____ day of _____, 20_____

Judge Presiding

AGREED:

Printed Name:

Bar Number:

Attorney for Petitioner

Printed Name:

Bar Number:

Attorney for Respondent