

(Style of Case)

Order for Preparation of Social Study in Suit
Affecting the Parent-Child Relationship

On [date], the Court considered the Motion to Appoint an Evaluator for Preparation of Social Study of [names of parties and children]. The Court finds that the motion should be granted as follows:

1. IT IS ORDERED that [insert either **Steven E “Jake” Jacobson, LCSW** or **Holly Duke, LPC** or **M. Jane “Janie” Lewis-Zygiel, LPC**], **CCD Counseling, PA, 1512 Scripture St, Denton, Texas 76201, (940) 382-5328** is appointed as social study evaluator (the “Evaluator”). The Court finds that the Evaluator is qualified to conduct a social study pursuant to Texas Family Code §107.0511. The parties are each ORDERED to contact the Evaluator by telephone within seven (7) days of the signing of this Order.
2. IT IS ORDERED that the cost of preparing the social study shall be divided between the parties as follows [**insert payment provisions**]. The parties are ORDERED to pay their respective portions of these costs at such times and in such amounts as the Evaluator may direct, prior to the commencement of the study. The costs of preparing the social study do not include the costs of the Evaluator testifying at trial, the payment of which is discussed hereinbelow.
3. IT IS ORDERED that the Evaluator shall make and prepare a social study into the circumstances and conditions of the backgrounds and homes of [**name of each person**

seeking managing conservatorship], each of whom is seeking managing conservatorship or possession of the following child/children: **[name(s) and dates of birth for each child].**

4. IT IS ORDERED that the welfare and best interest of the child/children shall be the principal criteria governing the social study.

5. IT IS ORDERED that the Evaluator shall complete each of the following “basic elements” of a social study pursuant to Texas Family Code § 107.0514(a):

- A. a personal interview with each party to the suit;
- B. an interview, conducted in a developmentally appropriate manner, with each child at issue in the suit who is at least four years of age;
- C. observation of each child at issue in the suit, regardless of the age of the child;
- D. obtaining information from relevant collateral sources;
- E. evaluation of the home environment of each party seeking conservatorship of a child at issue in the suit or seeking possession of or access to the child;
- F. for each individual residing in a residence subject to the social study, consideration of any criminal history information and any contact with the Department of Family and Protective Services or a law enforcement agency regarding abuse or neglect;
- G. assessment of the relationship between each child at issue in the suit and each party seeking possession of or access to the child.

6. IT IS ORDERED that the Evaluator shall discuss in the report the following “additional elements” set forth in the Texas Family Code § 107.0514(b) and explain the reason that any element listed herein was not completed:

- A. balanced interviews and observation of each child at issue in the suit so that a child who is interviewed and observed while in the care of one party to the suit is also interviewed or observed while in the care of each other party to the suit;
- B. an interview of each individual residing in a residence subject to the social study.

7. IT IS ORDERED that the evaluator have the following access and authority during the preparation of the social study and report:

- A. With the exception of mediation records or records protected by the attorney-client privilege, the parties are ORDERED to make available to the Evaluator, in a prompt and timely manner, all records, public or private, that bear upon the physical health, mental health, or criminal history of any of the parties and other individuals residing in a residence subject to the social study. This includes, but is not limited to medical and dental records, school records, daycare provider records, and Child Protective Services records.
- B. Each party is ORDERED to cooperate and comply with all requests of the Evaluator for in-person or telephonic interviews or requests for information during the process of conducting the social study. The parties are further ORDERED to cooperate and comply with all requests of the Evaluator for the cooperation of each individual residing in a residence subject to the social study.
- C. Unless otherwise limited by agreement or court order, the evaluator has the authority to use and review any previous custody evaluations or home studies in making their recommendation.

8. IT IS ORDERED that the Evaluator shall prepare a report containing his/her findings and conclusions and shall therein offer an opinion regarding the conservatorship, possession of, and/or access to the child/children. The social study will be conducted and the report shall be prepared in accordance with the following standards and requirements:

- A. the Evaluator's actions shall be in conformance with the professional standard of care applicable to the Evaluator's licensure and any administrative rules, ethical standards, or guidelines adopted by the state agency that licenses the Evaluator;
- B. the Evaluator shall follow evidence-based practice methods and make use of current best evidence in making assessments and recommendations.
- C. the Evaluator shall disclose to each attorney or record any communication regarding a substantive issue between the evaluator and an attorney of record representing a party in a disputed suit, provided, however, that this requirement does not apply to a communication between the Evaluator and an attorney ad litem or amicus attorney;

- D. the Evaluator, to the extent possible, shall verify each statement of fact pertinent to the social study and shall note the sources of verification and information in the report;
- E. the report shall contain the Evaluator's name, license number, and basis for qualification under Texas Family Code § 107.0511.

9. IT IS ORDERED that the Evaluator shall file the report with the Court no later than **[Insert Date]**. The Evaluator shall furnish copies of the report to the attorneys for the parties no later than the date it files the report with the Court.

10. IT IS ORDERED that following the preparation of the study, the social study investigator, at the written request of any court-appointed guardian ad litem, court-appointed attorney ad litem, court-appointed amicus attorney, or attorney of record in the case shall make available for inspection and copying all records collected including but not limited to the following: Copies of the Evaluator' notes, any written communications, writings, records, memoranda, summaries, data, correspondence, test results, videos, photographs, tape recordings, and other tangible records or documents obtained by or created by the Evaluator in connection with or in any way related to the investigation ordered herein. The costs of the inspection time or copying the records shall be borne by the requesting party, should that party desire copies of any portion of the records to be made.

11. IT IS ORDERED that no information gathered by the evaluator, including any conversation between the evaluator and any party, child, investigator, attorney or collateral source, is confidential or protected by any privilege. Information provided by the parties may be shared with others involved in the evaluation (including where necessary and appropriate, children and collateral sources) so that verification of information provided can be sought and so that others are afforded the opportunity to respond to allegations that may have been made.

The evaluator shall inform any party, child, attorney or collateral source that any information received shall not be confidential or protected by any privilege or discovery.

12. IT IS ORDERED that the Evaluator shall have immunity for his or her actions to the extent provided by Texas law.

13. IT IS ORDERED that the Evaluator shall testify at the final hearing or other hearing in this case, at the written request of any attorney of record, without the necessity of a subpoena, however, unless otherwise ordered by the Court, the requesting party shall be responsible for the Evaluator's customary and usual fees for testifying and said fees shall be paid or advanced prior to the hearing and payment of said fees shall be a condition precedent to the Evaluator's required testimony, unless otherwise ordered by the Court.

SIGNED ON _____

Judge Presiding