

1 **Rule 4-903. Uniform custody evaluations.**

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3 **Intent:**

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5 To establish uniform guidelines for the performance of custody evaluations.

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7 **Applicability:**

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9 This rule shall apply to the district and juvenile courts.

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11 **Statement of the Rule:**

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13 (1) **Factors.** The purpose of a custody evaluation is to provide the court with information it can
14 use to make decisions regarding custody and parenting time arrangements that are in a child's
15 best interest. Unless otherwise specified in the order, evaluators must consider and respond to
16 the custody factors set forth in Utah Code sections ~~30-3-10~~ 81-9-204 and ~~30-3-10.2~~ 81-9-205.

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18 (2) **Ability to pay.** Custody evaluations shall be ordered only when a party requests it or when
19 the court makes specific findings that extraordinary circumstances exist that warrant an
20 evaluation. In either case, before appointing a custody evaluator, the court must find that the
21 parties have a present ability to pay for the evaluation.

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23 (3) **Motions and stipulations.** Every motion or stipulation for the performance of a custody
24 evaluation shall include:

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26 (3)(A) the name, address, and telephone number of each evaluator nominated, or the
27 evaluator agreed upon;

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29 (3)(B) the anticipated dates of commencement and completion of the evaluation and the
30 estimated cost of the evaluation;

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32 (3)(C) specific factors, if any, to be addressed in the evaluation; and

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34 (3)(D) a copy of each proposed evaluator's recent curriculum vitae attached as exhibits
35 The curriculum vitae must demonstrate compliance with the training requirements in
36 paragraph (7).

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38 (4) **Orders.** Every order requiring the performance of a custody evaluation shall:

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40 (4)(A) require the parties to cooperate as requested by the evaluator;

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42 (4)(B) restrict disclosure of the evaluation's findings or recommendations and privileged
43 information obtained except in the context of the subject litigation or other proceedings
44 as deemed necessary by the court;

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46 (4)(C) assign responsibility for payment from the beginning of the evaluation through the
47 custody evaluation conference, as well as the costs of the written report, subject to
48 reallocation at the time of trial;

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50 (4)(D) specify dates for commencement and completion of the evaluation;

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- 52 (4)(E) specify any additional factors to be addressed in the evaluation;
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54 (4)(F) require the evaluator to provide written notice to the court, counsel and parties
55 within five business days of completion (of information-gathering) or termination of the
56 evaluation and, if terminated, the reason;
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58 (4)(G) require counsel and parties to complete a custody evaluation conference with the
59 court and the evaluator within 45 days of notice of completion (of information gathering)
60 or termination unless otherwise directed by the court so that evaluator may issue a
61 verbal report; and
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63 (4)(H) require that any party wanting a written custody evaluation report give written
64 notice to the evaluator within 28 days after the custody evaluation conference.
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- 66 (5) **Mental health professionals.** Custody evaluations shall be performed by mental health
67 professionals who are licensed by the Utah Department of Occupational and Professional
68 Licensing as either a:
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70 (5)(A) Licensed Clinical Social Worker;
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72 (5)(B) Licensed Psychologist;
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74 (5)(C) Licensed Physician who is board certified in psychiatry;
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76 (5)(D) Licensed Marriage and Family Therapist; or
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78 (5)(E) Licensed Clinical Mental Health Counselor.
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- 80 (6) **Specialized knowledge.** Child custody evaluators shall gain and maintain specialized
81 knowledge and training in a wide range of topics specifically related to child custody work.
82 Evaluators shall gain broad knowledge of family dynamics. Since research and laws pertaining
83 to the field of divorce or separation and child custody are continually changing and advancing,
84 child custody evaluators shall secure ongoing specialized training and education.
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- 86 (7) **Education and training.** Before accepting appointment, a child custody evaluator shall have
87 completed 18 hours of education and training within the past two years, coinciding with the
88 professional's licensure reporting deadlines, which must include all the following topics:
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90 (7)(A) The psychological and developmental needs of children, especially as those
91 needs relate to decisions about child custody and parent-time;
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93 (7)(B) Family dynamics, including, but not limited to, parent-child relationships, blended
94 families, and extended family relationships; and
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96 (7)(C) The effects of separation, divorce, domestic violence, child sexual abuse, child
97 physical or emotional abuse or neglect, substance abuse, and interparental conflict on
98 the psychological and developmental needs of children and adults.
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- 100 (8) **Special case types.** In cases in which specific areas of concern exist such as domestic
101 violence, sexual abuse, substance abuse, mental illness, and the evaluator does not possess
102 specialized training or experience in the area(s) of concern, the evaluator shall consult with

103 those having specialized training or experience. The assessment shall take into consideration
104 the potential danger posed to the child's custodian and the child(ren).

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106 (9) **Experience.** Evaluators having conducted fewer than three (3) evaluations shall consult with
107 another professional who meets the education, experience, and training requirements of this
108 rule, sufficient to review, instruct, and comment on the entire evaluation process.

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110 (10) **Psychological testing.** In cases in which psychological testing is employed as a
111 component of the evaluation, it shall be conducted by a licensed psychologist who is trained in
112 the use of the tests administered, and adheres to the ethical standards for the use and
113 interpretation of psychological tests in the jurisdiction in which he or she is licensed to practice.
114 The evaluator shall consider the psychological testing results with the understanding that they
115 are hypotheses that need to be supported by and integrated with all other data gathered.

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117 ***Effective: ~~11/1/2022~~ November 1, 2024***

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