Michael K. Jeanes, Clerk of Court
*** Filed ***
03/22/2007 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-052782 03/06/2007

HONORABLE EDDWARD BALLINGER, JR.

CLERK OF THE COURT
L. Nevenhoven
Deputy

ATLAS NO. 000374111403
IN RE THE MARRIAGE OF
RHETT A SHAFFER

ROBERT D ROSANELLI

AND

CINDY BETH POTTER

CINDY BETH POTTER
PO BOX 6573
GLENDALE AZ 85312

DAVID WEINSTOCK
5111 N SCOTTSDALE RD
#104
SCOTTSDALE AZ 85250

APPOINTMENT OF MENTAL HEALTH EXPERT FOR COURT ORDERED PRELIMINARY SCREENING

The purpose of the screening is to provide the Court with useful information relevant to the best interests of the child(ren) in a timely and concise manner. While screening does not normally address ultimate questions, its review of issues and questions can be very helpful to judges and provide information which would otherwise be unavailable to the Court in making important decisions regarding the child(ren)'s best interests. In most instances, it is anticipated that the screening will be considered by the Court and parties to make preliminary decisions in the case. In those instances in which the Family Court Services Provider (Provider) identifies issues which may require further investigation and/or review by the Court, the Provider shall identify those issues and make a recommendation for further study/investigation/review.

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IT IS ORDERED appointing the following Family Court Services Provider to interview the parties and their minor child(ren):

David Weinstock, 5111 N. Scottsdale Rd. Suite #205, Scottsdale, AZ 85250, phone number: 480-840-0400.

IT IS FURTHER ORDERED that the Provider shall notify the Court and counsel, or the parties if not represented by counsel, immediately upon receipt of this order if he or she will not accept this appointment. Acceptance of the appointment indicates the capability of complying with the terms of this order.

IT IS FURTHER ORDERED that the screening shall be conducted on the following basis:

1. Scope. The screening shall primarily consist of recommendations without the detailed psychosocial summary often found in more exhaustive reports. The Provider may make any recommendations he or she determines the Court should consider to promote the physical, mental or emotional health of the child. In performing the screening, a problem list can be generated with a goal list and an action plan. If possible, the Provider may also assist the parties in amicably resolving their custody/parenting time dispute.

The scope of the screening is to be more limited than a custody evaluation and in compliance both with the time period for submitting the report and the limitation placed on cost, all set forth below. The screening will not include psychological testing, personality inventories or extensive investigation. The methodology may include evaluating the family, and collecting educational, psychosocial, medical, psychological, legal and collateral data relevant to the needs of the child.

2. Written Report.

a. The Provider shall prepare a written report not later than 45 days after the Initial Conference (see below) which shall be submitted to the Court and the parties. The Court requests that the report be as brief as possible. No required format is adopted. The use of the Court Approved Screening Tool may be utilized to complete and report the screening but should include "comments" where necessary to fully explain the results of the screening.

b. The acceptance of this appointment by the Provider indicates the ability and willingness to complete a written report in a timely manner and the ability to appear and testify in court upon reasonable notice if necessary. (In most instances, the appearance, with the agreement of the parties, will be by telephone.)

c. The Court anticipates that the Provider may address statutory issues set forth in A.R.S. § 25-403 such as: wishes of the child, wishes of the parents, use of coercion, willingness to allow frequent and continual access, mental and physical health, interaction, primary caretaker, and adjustment of the child to his/her community and home. The Court requests that the Provider consider addressing the following matters in the report, in addition to all other matters deemed relevant by the Provider:

1. Outline of the positions of the parties, including any relevant background, significant criminal history, drug/alcohol abuse, domestic violence, etc.
2. Brief psychological history of the parents, incorporating the results of their interviews and any collateral data.*
3. Description of child(ren), with emphasis on any special needs identified and the results of any interviews.
4. Listing of very specific questions and suggestions the Court may wish to consider when determining custody and related issues.
5. Suggestions for further evaluation if indicated, with a clear rationale for why it is needed

* if a party declined an interview with the appointed expert, the report will nevertheless be submitted and reviewed by the Court without that party's input and with a notation that the party refused the interview.

3. Initial Contact. The parties, or if represented by counsel, their attorneys, shall make the initial contact with the Provider through a conference call within 10 days of receipt of this order and, thereafter, shall arrange for the appointments of the persons to be interviewed. The initial conference with the Provider shall be used to summarize the issues in the case, to arrange for the initial appointments of the persons the Provider wishes to examine, and to allow the Provider to request information he or she believes to be pertinent.

4. Authority of Family Services Provider/Cooperation by Parties/Waiver of Confidentiality. The Provider shall have the following authority with regard to the minor child(ren) and family members:

In order to provide data and opinions relevant to the care of, custody of and access to the minor child(ren) pursuant to applicable Arizona statutes and case law, including A.R.S. § 25-406, the Provider shall serve as an expert for the court (Arizona Rule of Evidence 706). The Provider shall have: (a) Reasonable access to the child(ren) and family members with reasonable notice; and (b) Reasonable notice of all judicial proceedings, including requests for any

examination affecting the child(ren), and shall be provided copies of all minute entries, orders and pleadings filed in the case.

The Provider shall also have access to:

1. all therapists of the child(ren) and parties;
2. all school and medical records of the child(ren) and parties;
3. all psychological testing or evaluations performed on the child(ren) or the parties;
4. all teachers/child care providers for the child(ren).
5. Any other records the Provider reasonably deems necessary to complete the assigned task.

At the request of the Provider, each party shall execute any release or consent necessary to authorize the Provider's access to the information described herein. No other clinicians (i.e., therapists, psychologists, social workers, etc.) are to work on this case during the course of the screening without the knowledge of the Provider, unless otherwise authorized by court order.

The Provider serves the Court in this case. Therefore, neither the parties nor their child(ren) will be considered patients of the Provider. There is no confidentiality relating to the parties' communications with/to the Provider or concerning the Provider's activities or recommendations. The Provider may engage in written or verbal communication with any person he or she perceives capable of providing information relevant to the care and welfare of the child(ren).

The Provider shall be promptly provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel to ensure that the report is submitted by the date requested. This order shall act as a release by the parties of all information requested by the Provider and shall further obligate the parties for any costs associated with the production of those records to the Provider. Any such costs shall be paid promptly.

5. No Ex-Parte Contact. The parties and/or counsel shall not have substantive ex-parte contact with the Provider, but shall conduct all communication through conference call or conferences, unless otherwise agreed upon by all parties and counsel. Copies of any documentation submitted to Provider by counsel or a party shall concurrently be provided to the other side.

The Provider may have ex-parte contact with the Court regarding scheduling matters.

6. Cost. The cost of the screening shall be in accordance with the proposed cost submitted by the Provider at the time of application to the Court for inclusion on the Mental

Health Roster "menu of services" for Preliminary Screenings, or as adjusted after written notification to the parties/lawyers and Court. The parties shall be advised immediately if the Provider's charge has changed prior to the commencement of the screening.

The Provider's fees and costs shall be paid 100% by Father subject to further orders of the Court. Fees shall be payable at the time of the first appointment or as directed by the Provider. Any costs shall also be paid as directed by the Provider. In the event any person (including child(ren)) fails to appear at the time of an appointment, the person responsible for the missed appointment shall be obligated to pay the full cost associated with the missed appointment.

Finally, it is recognized both by the parties and the Court that, on occasion, the Provider may make recommendations regarding other services which cannot be completed within the cost estimates of the screening. In those instances, the Provider shall make recommendations for other reasonably necessary services, tests, or examinations.

7. Evidence. The written report of the Provider may be received in evidence without the necessity of any foundation and without any objection to hearsay statements contained therein.

8. Testimony. Each party shall have the right to call the Provider as a witness.

9. Immunity. The Provider has immunity in accordance with Arizona law as to all acts undertaken pursuant to and consistent with the appointment order of the Court.

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

Accordingly,

IT IS ORDERED that a Preliminary Screening be conducted.

IT IS FURTHER ORDERED signing this minute entry as a formal order of the Court.

/ s / HONORABLE EDDWARD BALLINGER, JR.

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: http://www.superiorcourt.maricopa.gov/ssc/sschome.html.