

1 **Rule 4-902. Limited scope investigation of domestic issues.**

2 Intent:

3 To establish guidelines for referring select issues for investigation and report.

4 To give the court discretion to control the issues referred for investigation, the
5 methods of gathering information relevant to the issues, and timely completion of the
6 report consistent with the nature of the issues and the methods of information gathering.

7 Applicability:

8 This rule shall apply to family law cases in the district court.

9 Statement of the Rule:

10 (1) On motion or stipulation of the parties or on its own initiative, the court may refer
11 select issues for investigation and report. Investigations and reports shall be performed
12 by persons with the minimum qualifications required for a custody evaluation under Rule
13 4-903.

14 (2) The purpose of the investigation is to report to the court observations about the
15 issues referred. The report shall not contain the investigator's recommendations, nor
16 may the investigator testify about recommendations.

17 (3) Every motion or stipulation for an investigation and report shall include:

18 (3)(A) the name, address, and telephone number of each person nominated or
19 agreed upon to conduct the investigation;

20 (3)(B) the anticipated dates of commencement of the investigation and completion of
21 the report and the estimated cost;

22 (3)(C) the issues to be addressed in the report;

23 (3)(D) the methods of information gathering, which may include:

24 (3)(D)(i) review records from a variety of sources, (for example, court records, school
25 records, healthcare records, childcare records and records from agencies and other
26 institutions);

27 (3)(D)(ii) clinical observations;

28 (3)(D)(iii) observation of the child's current and proposed home;

29 (3)(D)(iv) interview parents, children, members of the extended family, friends and
30 other collateral sources;

31 (3)(D)(v) psychological testing;
32 (3)(D)(vi) other information gathering methods; and
33 (3)(E) the name, address, and telephone number of each person the investigator
34 should interview or observe.

35 (4) Every order for an investigation shall:

36 (4)(A) require the parties to cooperate as requested by the investigator;

37 (4)(B) restrict disclosure of the report except to the parties and to the court;

38 (4)(C) assign responsibility for payment;

39 (4)(D) specify dates for commencement of the investigation and completion of the
40 report;

41 (4)(E) specify the issues referred, which may include those described in Rule 4-903;

42 (4)(F) specify the methods of information gathering, which may include those
43 described in paragraph (3).

44 (4)(F) require the investigator to file the report with the court and serve it on counsel
45 or parties within 7 days after the report is completed;

46 (4)(G) if the investigation or report is terminated, require the investigator to notify the
47 court and counsel or parties of the reason within seven days after termination; and

48 (4)(H) require counsel or parties to schedule a settlement conference with the court
49 and the investigator within 45 days after receiving the report.

50 (5) If it is the investigator's professional judgment that the scope of the investigation
51 should be widened, the investigator shall seek the approval of the court before going
52 beyond the court order.

53 (6) If the investigator does not possess the training or experience necessary for the
54 issue referred, the investigator shall notify the court and counsel or parties.

55 (7) If psychological tests are administered, they shall be conducted by a licensed
56 psychologist who is trained in the use of the tests and who adheres to the ethical
57 standards for the use and interpretation of psychological tests in the jurisdiction in which
58 he or she is licensed to practice.