

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Anna C. Brace, CFLS</b> <span style="float:right">SB #180364</span> The Law Offices of Anna C. Brace 901 Dove Street, Suite 120 Newport Beach, California 92660 TELEPHONE NO. (Optional): (949) 253-3700 <span style="float:right">FAX NO. (Optional): (949) 253-0999</span> E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Bliss Munoz</b>	FOR COURT USE ONLY  <div style="border: 1px solid black; padding: 5px; transform: rotate(-2deg);"> <b>FILED</b>                      SUPERIOR COURT OF CALIFORNIA                      COUNTY OF ORANGE                      LAMOREAUX JUSTICE CENTER  <b>APR 22 2019</b>                      DAVID H. Y... Clerk of the Court                      BY: <u>          L. RAYA          </u>, DEPUTY                 </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Orange County</b> STREET ADDRESS: <b>341 The City Drive</b> MAILING ADDRESS: <b>P.O. Box 14170</b> CITY AND ZIP CODE: <b>Orange, California 92863</b> BRANCH NAME: <b>Lamoreaux</b>	
PETITIONER/PLAINTIFF: <b>Bliss Munoz</b>  RESPONDENT/DEFENDANT: <b>Michael Montrief</b>  OTHER PARTY:	
<b>ORDER APPOINTING CHILD CUSTODY EVALUATOR</b>	CASE NUMBER: <b>14P001222</b>

**THE COURT ORDERS AS FOLLOWS:**

1. The court appoints: **Dr. David J. Sheffner, (949) 645-4323**

- a.  a local court-connected child custody evaluation service (specify):
- b.  a private child custody evaluator (specify):
- c.  family court services
- d.  other (specify):

in this matter to perform (check one):

- e.  a full child custody evaluation
- f.  a partial child custody evaluation

under the statutory authority of:

- g.  Family Code section 3111.
- h.  Family Code section 3118.
- i.  Evidence Code section 730.
- j.  Chapter 15 (commencing with section 2032.010) of title 4, part 4 of the Code of Civil Procedure.

2. The names and dates of birth of the children are (specify):

See attachment.

Name	Date of birth
Athena Montrief	5/15/2009
Solana Montrief	6/1/2012
Lucia Montrief	5/27/2013
Dahlia Coral Montrief	5/27/2013

3. The purpose and scope of the evaluation is (specify):

See attachment.

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**4. DETERMINATION OF FEES AND PAYMENT**

See attached order on fees and costs.

a. The evaluator will be compensated as follows:

(Specify amount or rate and terms):

The court reserves jurisdiction to determine the amount of the fees and costs for the evaluation.

b. The court finds that the parties are able to pay the cost of the child custody evaluation. The parties are ordered to pay as follows:

(1)  Petitioner/plaintiff must pay 50 % of the cost.  Respondent/defendant must pay 50 % of the cost.

(2)  The court reserves jurisdiction to reallocate the cost of the evaluation between the parties.

(3)  Other: Each party shall make initial payment as requested by Dr. Sheffner within 5 days.

c. Payment will be made as follows:

(1)  Petitioner/plaintiff must make installment payments of \$ \_\_\_\_\_ per month until the cost of the evaluation is paid or modified by court order.

(2)  Respondent/defendant must make installment payments of \$ \_\_\_\_\_ per month until the cost of the evaluation is paid or modified by court order.

(3)  Other:

**5. NOTICE TO EVALUATOR**

Within 10 court days of receipt of this order and before the evaluation, the child custody evaluator must file a *Declaration of Private Child Custody Evaluator Regarding Qualifications* (form FL-326) with the court unless the person is a court-connected employee who must annually file the *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications* (FL-325).

**6. NOTICE REGARDING CONFIDENTIALITY OF EVALUATION REPORT**

The child custody evaluation report is confidential. You must not make an unwarranted disclosure of the contents of the child custody evaluation report. By law, a court can order a penalty for the unwarranted disclosure of the child custody evaluation report, which can include an order that the disclosing party pay a fine and attorney fees and costs.

For more information, read Family Code section 3111 and obtain *Child Custody Evaluation Information Sheet* (form FL-329-INFO). This form is available from the office of the court clerk or online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).

**7. INSTRUCTIONS FOR INITIAL CONTACT**

a.  The evaluator will contact each party.

b.  Each party must contact the evaluator.

c.  Additional instructions (specify):

**8. OTHER**

9.  Additional orders attached.

Number of pages attached: 3

Date:

**SIGNATURE ON  
ATTACHED PAGE**

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

PETITIONER: Bliss Munoz  
 RESPONDENT: Michael Montrief

CASE NUMBER:

14P001222

**ATTACHMENT TO ORDER APPOINTING CHILD CUSTODY EVALUATOR (form FL-327)**

1. This attachment accompanies FL-327 ordering the appointment of Dr. David J. Sheffner as the child custody evaluator.

**TASKS OF EVALUATOR**

2. The child custody evaluator will provide the parties with a written description of the evaluation process, inform each adult party of the purpose, nature, and method of the evaluation, and provide information regarding the child custody evaluator's education, experience, and training.
3. The child custody evaluator will be impartial and function at the request of the court and pursuant to court order.
4. The child custody evaluator will investigate and advise the court, with respect to the health, safety, welfare, and best interest of the minor child(ren) of the parties in connection with the disputed custody and visitation issues in this matter.
- a.  This will be a full evaluation, investigation, and assessment, intended to provide the court with a comprehensive examination of the health, safety, welfare, and best interest of the minor child(ren).
- b.  ~~This will be a partial, or focused, evaluation, investigation, and assessment.~~ The child custody evaluator is to advise the court on the following matters:
- Move away (La Musga Factors), Athena's mental health & educational issues, alienation by either parent, and issues of domestic violence finding and its effect upon children's visitation with father.
5.  See the report of the Family and Children's Bureau dated \_\_\_\_\_.

**EX PARTE COMMUNICATION**

6. Absent a written stipulation of the parties, there will be no *ex parte* communication between the child custody evaluator and any party or between the child custody evaluator and any attorney of record in this action, except to schedule appointments, coordinate collateral contacts, or as required or permitted by law.

**DOCUMENTS AND INFORMATION**

7. The parties will immediately contact the child custody evaluator and set an initial appointment date and time.
8. The parties will immediately provide the child custody evaluator with copies of all pleadings, motions, declarations, correspondence, mediation reports, or other documents that relate to the contested issues to be considered by the child custody evaluator.
9. With the exception of such documents that are subject to a valid claim of privilege, the parties will provide all records requested by the child custody evaluator within (5) five days of the request. All documents provided to the child custody evaluator by a party (directly or through counsel) will be contemporaneously provided to the other party.
10. The parties will cooperate fully with the child custody evaluation conducted under this order and will make themselves and their minor child(ren) reasonably available to the child custody evaluator for testing and interviewing.

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RESPONDENT: Michael Montrief	

**RELEASES**

11. The parties are directed to execute any releases that may be required by the child custody evaluator to obtain otherwise confidential or privileged information from third party sources regarding the parties or the minor child(ren). The child custody evaluator is expressly authorized to obtain information regarding the minor child(ren) from: current/previous teachers, school staff and administrators; the minor child(ren)'s current/previous pediatricians, psychologists, or mental health professionals; hospital and medical records; current/previous daycare/preschool providers; law enforcement agencies, personnel and records; Family Court Services; Child Protective Services; or other social service agencies.

**CONFIDENTIALITY**

12. The child custody evaluator will take such actions as are necessary to protect the therapeutic privilege of any minor child and in so doing, decline to provide any party or counsel with information disclosed by a minor child or that child's therapist that would otherwise be privileged. In the event the court requires disclosure of privileged information or testimony, such information or testimony will be provided to the court in private, in the absence of the parties. Counsel for the parties will not disclose the details of such information or testimony.
13. All reports or recommendations authored by or received from the child custody evaluator are confidential. No such report or recommendation may be provided or made available to or discussed with any person except the parties, counsel for the parties in the action, and any person allowed access by law or to whom the court permits access by written order issued upon prior notice to all parties.
14. No person who has access to a report or recommendation by the child custody evaluator will make a copy or disclose the content thereof to the minors or to any person not entitled to access pursuant to this order. The parties will not mention or discuss within the hearing of the minors any statement made to the child custody evaluator by a minor child of the parties.

**FEES AND COSTS OF THE EVALUATOR**

15. The parties will make financial arrangements with the child custody evaluator forthwith. The evaluation will not commence until after the parties have arranged for payment in a manner acceptable to the child custody evaluator. The court allocates the costs of the child custody evaluator as follows:  
50% (1/2) Petitioner; 50% (1/2) Respondent. The court reserves jurisdiction to reallocate said payments between the parties.

**ADDITIONAL ORDERS**

16. The parties will promptly advise the court should the child custody evaluator be unable or unwilling to accept appointment under this order.
17. The child custody evaluator may apply in writing to the court for such further instruction, information, and assistance as may be necessary for the completion of the tasks set forth herein.
18. Once the child custody evaluator has accepted appointment, the child custody evaluator may, upon a showing of good cause and upon written notice to the parties, petition the court to withdraw.
19. The child custody evaluator will provide the court with immediate written notice if, at any time during the evaluation, a situation arises that is immediately dangerous to the minor child(ren), to any party, family member, minor child's attorney, judge or mental health professional involved in this action. Such notification may be made on an ex parte basis and may be accompanied by an application for ex parte relief.

PETITIONER: Bliss Munoz RESPONDENT: Michael Montrief	CASE NUMBER: 14P001222
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20.  The written report of the child custody evaluator will be admitted into evidence at any hearing or trial in this matter, over any hearsay or foundation objections, subject to cross-examination. \_\_\_\_\_ / \_\_\_\_\_ [initials of the parties]

**HEARING DATE**

21.  Hearing on the contested issues of custody and visitation is hereby set for April 29, 2019 at 8:45 a.m. / p.m. in Department L-72 for Trial Setting purposes only.  
 If the hearing is continued, the parties will give the child custody evaluator timely written notice of the new date and time.

**OTHER**

22. The parties agree to waive any psychotherapist/patient privilege they may hold pursuant to California Evidence Code sections 1010 et seq. The parties further agree to subject themselves to drug testing, blood, urine or hair follicle as requested by the evaluator.

The signature of the parties and their counsel, if represented, approve of this form as to form and content.

Date: \_\_\_\_\_

**SIGNATURE BY  
 FACSIMILE ATTACHED**

Date: \_\_\_\_\_

**SIGNATURE BY  
 FACSIMILE ATTACHED**

Date: \_\_\_\_\_

**SIGNATURE BY  
 FACSIMILE ATTACHED**

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**SIGNATURE BY  
 FACSIMILE ATTACHED**

Date: \_\_\_\_\_

**SIGNATURE ON  
 ATTACHED PAGE**

JUDICIAL OFFICER

PETITIONER: <u>Edna Muñoz</u> and respondent: <u>Michael Mariner</u>	CASE NUMBER: <u>14PC01222</u>
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20.  The written report of the child custody evaluator will be admitted into evidence at any hearing or trial in this matter, over any (written or) transcription objections, subject to cross-examination. \_\_\_\_\_ (Initials of the parties)

HEARING DATE  
 21.  Hearing on the proposed award of custody and visitation is hereby set for April 22, 2015 at 2:45 a.m. / p.m. in Department \_\_\_\_\_ for trial setting purposes only. If no hearing is sufficient, the parties will give the child custody evaluator timely written notice of the new date and time.

OTHER  
 22. The parties agree to waive any psychotherapist-patient privilege they may hold pursuant to California Evidence Code sections 1030 et seq. The parties further agree to subject themselves to drug testing, blood, urine or hair testing as requested by the evaluator.

The signature of the parties and their counsel, if represented, approve of this form as to form and content.

Date: 4/14/15

Michael Mariner  
 Michael Mariner, Respondent

Date: 4/14/15

Edna Muñoz  
 Edna Muñoz, Petitioner  
 BY: Edna Muñoz  
 Edna Muñoz, Attorney for Respondent

Date: \_\_\_\_\_

Edna Muñoz  
 Edna Muñoz, Petitioner

Date: \_\_\_\_\_

Edna Muñoz  
 Edna Muñoz, Attorney for Petitioner

4/22/15

Edna Muñoz

CHILD CUSTODY EVALUATOR