

EVALUATIONS

It is certainly understood that the decision of who conducts a parenting play/timesharing (formerly referred to as child custody) evaluation is so important. The best interests of the children who are exposed to high conflict divorces are truly at stake. Among the professions who are, by statute, legally permitted to conduct such evaluations are Licensed: Mental Health Counselors, Marriage and Family Therapists, Clinical Social Workers, Psychologists and School Psychologists, among others. The following excerpts are taken from the statutes of the State of Florida.

1. The Florida Family Law Rules of Procedure, Section I. Rule 12.363. Evaluation of Minor Child states a Court may appoint "...a licensed mental health professional or other expert [*licensed mental health professional is defined in Chapter 456, see endnote 4*]... to conduct a social or home study investigation".¹
2. FL Statute 61.046 states that a "Parenting Plan [*Parenting Plan defined in Endnote 2*] ... made by a ... mental health practitioner [*see Chapter 456 see Endnote 4*] or other professional designated by section 61.20, 61.401 or mental health practitioner Florida Family Law Rule of Procedure 12.363...".²
3. FL Statute 61.125 states Parenting Coordinators can create and implement a Parenting Plan and further states a "...mental health professional [*defined in Chapter 456, endnote 4*] licensed under chapter 490 or chapter 491" is qualified to do so.³
4. Chapter 456 of FL Statutes defines A "Health Care Practitioner" is defined as "any person" licensed under Chapter 490 [*Licensed Psychologists as well as School Psychologists are licensed under FL Chapter 490*]⁴
5. FL Statute 61.20 states "A social investigation ... shall be conducted by those licensed under chapter 491 as well as ... a psychologist licensed pursuant to chapter 490...".⁵
6. FL licenses two types of psychologists: a School Psychologist and Psychologist⁶. When the amalgamation of the American Association of Applied Psychology (AAAP) and the American Psychological Association (APA) took place in 1945, School Psychology was among the Charter Divisions cited in the first Bylaws of the new organization. The APA considers School Psychologists, Psychologists!

Endnotes

¹ Florida Family Law Rules of Procedure Section I. Family Law Rules of Procedure Rule 12.363. Evaluation of Minor Child

(a) Appointment of Mental Health Professional or Other Expert.

(1) When the issue of visitation, parental responsibility, or residential placement of a child is in controversy, the court, on motion of any party or the court's own motion, may appoint a licensed mental health professional or other expert for an examination, evaluation, testing, or interview of any minor child or to conduct a social or home study investigation. The parties may agree on the particular expert to be appointed, subject to approval by the court. If the parties have agreed, they shall submit an order including the name, address, telephone number, area of expertise, and professional qualifications of the expert. If the parties have agreed on the need for an expert and cannot agree on the selection, the court shall appoint an expert.

² Florida Statutes 61.046:

(14) "Parenting plan" means a document created to govern the relationship between the parents relating to decisions that must be made regarding the minor child and must contain a time-sharing schedule for the parents and child. The issues concerning the minor child may include, but are not limited to, the child's education, health care, and physical, social, and emotional well-being. In creating the plan, all circumstances between the parents, including their historic relationship, domestic violence, and other factors must be taken into consideration.

(15) "Parenting plan recommendation" means a nonbinding recommendation concerning one or more elements of a parenting plan made by a court-appointed mental health practitioner or other professional designated pursuant to s. 61.20, s. 61.401, or Florida Family Law Rules of Procedure 12.363.

³ Chapter 61.125 (4) QUALIFICATIONS OF A PARENTING COORDINATOR.--A parenting coordinator is an impartial third person whose role is to assist the parents in successfully creating or implementing a parenting plan. Unless there is a written agreement between the parties, the court may appoint only a qualified parenting coordinator.

(a) To be qualified, a parenting coordinator must:

1. Meet one of the following professional requirements:

a. Be licensed as a mental health professional under chapter 490 or chapter 491.

⁴ Chapter 456 of FL Statutes defines, under paragraph (4) a "Health care practitioner" means **any person licensed** under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part II, part III, part V, part X, part XIII, or part XIV of chapter 468; chapter 478; chapter 480; part III or part IV of chapter 483; chapter 484; chapter 486; **chapter 490**; or chapter 491.

⁵ FL Statute 61.20 Social investigation and recommendations regarding a parenting plan.

(2) A social investigation and study, when ordered by the court, shall be conducted by qualified staff of the court; a child-placing agency licensed pursuant to s. 409.175; a psychologist licensed pursuant to chapter 490; or a clinical social worker, marriage and family therapist, or mental health counselor licensed pursuant to chapter 491. If a

certification of indigence based on an affidavit filed with the court pursuant to s. 57.081 is provided by an adult party to the proceeding and the court does not have qualified staff to perform the investigation and study, the court may request that the Department of Children and Family Services conduct the investigation and study.

- 6 Florida licenses two (2) titles of **Psychologists** under Chapter 490 of FL Statutes. These are: Psychologist and School Psychologist. A school psychologist is a psychologist.