

Custody Evaluators & Case Timelines

The "new" rules from the Ohio Supreme Court regarding custody evaluators and case timelines.

Rule 91 of Rules of Superintendence

Effective September 1, 2022

Defines Custody Evaluation:

An expert study and analysis by a qualified individual of the needs and development of a child subject to a proceeding in which custody or visitation is an issue and of the comparative and relative capabilities of the parties and other relevant adults to care for and meet the needs and best interests of a child. 91.01(B).

Allows partial evaluations that is limited by court order in time or scope. 91.01(F).

Custody Evaluator Defined

Must meet the requirements of 91.08; and one of the following:

The Court is required to establish and maintain a list of private custody evaluators eligible to receive appointments from the court. 91.05(B).

- The Court is required to ensure "an equitable distribution" of workload among private evaluators on the list "that are made in an objectively rational, fair, neutral and non discriminatory manner". 91.05(B).
- The Court's are required to issue an order of appointment to grant the evaluator access to information and require the parties to cooperate. 91.05.

91.08 Requirements:

- (1) Ohio licensed psychologist or licensed in another state who is authorized to practice in Ohio on a temporary basis;
- (2) Ohio licensed social worker, professional clinical counselor or marriage and family therapist;
- (3) A psychiatrist from any state;
- (4) For a court-connected evaluator who has a minimum of a master's degree in a mental health field.

Pre-appointment Training:

- 40 hours of the initial training by the Supreme Court.
- Custody evaluators at time the Rules became effective had until Feb. 1, 2024 to complete the training.
- 6 hours ongoing CLE.

Applicable Court Requirements for a Custody Evaluation

Upon motion by a party, GAL, counsel for a child, or the court sue sponte; must be done in court order appointing the evaluator. 91.04.

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Custody Evaluator Report

1. Shall submit a written report at least 30 days prior to the final hearing. 91.07(A).
2. The court may receive and review the report in advance of the hearing day for purposes of conducting a settlement conference. 91.07(B).
3. A party may copy the report but may not disseminate it.91.07(E).
4. The report shall be admitted into evidence as the court's exhibit in the form of direct testimony. 91.07(F).
5. A party challenging the report shall subpoena the evaluator to appear not less than 14 days before trial. 91.07(F).