

Fla. Fam. L.R.P. Rule 12.360

West's Florida Statutes Annotated Currentness
Florida Family Law Rules of Procedure (Refs & Annos)
 ¹ Section I. Family Law Rules of Procedure
 ➔ **Rule 12.360. Examination of Persons**


Florida Rule of Civil Procedure 1.360 shall govern general provisions concerning the examination of persons in family law matters, except that examinations permitted under rule 1.360(a)(1) may include, but are not limited to, examinations involving physical or mental condition, employability or vocational testing, genetic testing, or any other type of examination related to a matter in controversy.

COMMENTARY

1995 Adoption. This rule expands Florida Rule of Civil Procedure 1.360 to specify common examinations in family law matters, but this rule is not intended to be an exclusive list of allowable examinations. Rule 1.360 should be interpreted to discourage subjecting children to multiple interviews, testing, and evaluations.

(2 screens)

Fla.R.Civ.P. Rule 1.360

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Florida Rules of Civil Procedure ([Refs & Annos](#))**➔Rule 1.360. Examination of Persons****(a) Request; Scope.**

(1) A party may request any other party to submit to, or to produce a person in that other party's custody or legal control for, examination by a qualified expert when the condition that is the subject of the requested examination is in controversy.

(A) When the physical condition of a party or other person under subdivision (a)(1) is in controversy, the request may be served on the plaintiff without leave of court after commencement of the action, and on any other person with or after service of the process and initial pleading on that party. The request shall specify a reasonable time, place, manner, conditions, and scope of the examination and the person or persons by whom the examination is to be made. The party to whom the request is directed shall serve a response within 30 days after service of the request, except that a defendant need not serve a response until 45 days after service of the process and initial pleading on that defendant. The court may allow a shorter or longer time. The response shall state that the examination will be permitted as requested unless the request is objected to, in which event the reasons for the objection shall be stated. If the examination is to be recorded or observed by others, the request or response shall also include the number of people attending, their role, and the method or methods of recording.

(B) In cases where the condition in controversy is not physical, a party may move for an examination by a qualified expert as in subdivision (a)(1). The order for examination shall be made only after notice to the person to be examined and to all parties, and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.

(C) Any minor required to submit to examination pursuant to this rule shall have the right to be accompanied by a parent or guardian at all times during the examination, except upon a showing that the presence of a parent or guardian is likely to have a material, negative impact on the minor's examination.

(2) An examination under this rule is authorized only when the party submitting the request has good cause for the examination. At any hearing the party submitting the request shall have the burden of showing good cause.

(3) Upon request of either the party requesting the examination or the party or person to be examined, the court may establish protective rules governing such examination.

(b) Report of Examiner.

(1) If requested by the party to whom a request for examination or against whom an order is made under subdivision (a)(1)(A) or (a)(1)(B) or by the person examined, the party requesting the examination to be made shall deliver to the other party a copy of a detailed written report of the examiner setting out the examiner's findings, including results of all tests made, diagnosis, and conclusions, with similar reports of all earlier examinations of the same condition. After delivery of the detailed written report, the party requesting the examination to be made shall be entitled upon request to receive from the party to whom the request for examination or against whom the order is made a similar report of any examination of the same condition previously or thereafter made, unless in the case of a report of examination of a person not a party the party shows the inability to obtain

it. On motion, the court may order delivery of a report on such terms as are just; and if an examiner fails or refuses to make a report, the court may exclude the examiner's testimony if offered at the trial.

(2) By requesting and obtaining a report of the examination so ordered or requested or by taking the deposition of the examiner, the party examined waives any privilege that party may have in that action or any other involving the same controversy regarding the testimony of every other person who has examined or may thereafter examine that party concerning the same condition.

(3) This subdivision applies to examinations made by agreement of the parties unless the agreement provides otherwise. This subdivision does not preclude discovery of a report of an examiner or taking the deposition of the examiner in accordance with any other rule.

(c) Examiner as Witness. The examiner may be called as a witness by any party to the action, but shall not be identified as appointed by the court.

CREDIT(S)

Amended July 26, 1972, effective Jan. 1, 1973 (265 So.2d 21); Oct. 6, 1988, effective Jan. 1, 1989 (536 So.2d 974); July 16, 1992, effective Jan. 1, 1993 (604 So.2d 1110); July 7, 1995, effective Jan. 1, 1996 (663 So.2d 1047); Nov. 22, 1995, effective Jan. 1, 1996 (663 So.2d 1049); Sept. 27, 2007, effective Jan. 1, 2008 (966 So.2d 943); Sept. 8, 2010, effective Jan. 1, 2011 (52 So.3d 579).

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE, COUNTY, FLORIDA

IN RE: THE MARRIAGE OF:

CASE NO.

Petitioner/ Husband,

and

Respondent/Wife.
_____ /

MOTION FOR APPOINTMENT OF ATTORNEY AD LITEM

COMES NOW, the Respondent/Wife, by and through her undersigned counsel, requests that the Court enter an order appointing an Attorney Ad Litem on behalf of the parties' minor children, in reference to section 90.503 Florida Statutes, and states:

1. The following minor children are subject to this proceeding:

Name	Birth date	Age	Sex
C.K.	1994	17	male
B.K.	2000	11	female

2. At issue before this Court is the shared parental responsibility and time-sharing of the parties two minor children. As is demonstrated by the history of litigation in this matter, the parties are involved in a high conflict divorce as it relates to the minor children. The Wife has alleged that the Husband is an alcoholic and that the children are afraid to ride in the car with him. The Husband has alleged that the Wife has bi-polar disorder and is preventing him from contact with the children.

3. Both minor children have been in therapy for depression and mood and/or adjustment disorders and it is the Wife's understanding that both children have received a diagnosis of clinical depression. In addition, the minor child B.K. has been diagnosed with autism spectrum disorder.

4. The Petitioner/Husband has objected to the release of the minor children's psychological records including but not limited to all mental health records and psychological test results and testimony of the children's personal therapist.

5. Pursuant to Florida Statute 90.503 (1)(c): "A communication between psychotherapist and patient is "confidential" if it is not intended to be disclosed to third persons other than:

1. Those persons present to further the interest of the patient in the consultation, examination, or interview.
2. Those persons necessary for the transmission of the communication.
3. Those persons who are participating in the diagnosis and treatment under the direction of the psychotherapist."

6. Pursuant to Florida Statute 90.503 (3) "The privilege may be claimed by: (a) The patient or the patient's attorney or on the patient's behalf".

7. Neither the Wife nor the Husband are proper persons to either assert and/or waive the privilege on their child's behalf. Attorney Ad Litem v. Parents of D.K., 780 So.2d 301 (Fla. 4th DCA, 2001).

8. Both children have the privilege of confidentiality in their communications with their personal psychotherapist. The best interests of the minor children would dictate that it is in their best interest for the Court to conduct an inquiry to determine whether the children are of

sufficient age, maturity and/or mental capacity to make their own decision to either waive or assert their privilege.

9. Should the Court determine either or both children are, in fact, of sufficient age, intelligence, maturity and/or mental capacity to make their own decision to either waive or assert their privilege, an Attorney Ad Litem should be appointed to assert each child's position.

10. Both parties should be equally responsible for the cost associated with the Attorney Ad Litem.

WHEREFORE, the Respondent/Wife respectfully requests that the Court enter findings as to whether either or both children are of either sufficient age, maturity, and/or mental capacity to make their own decision to either waive or assert their privilege, and appoint an Attorney Ad Litem to represent the minor children if the Court finds it to be in their best interest.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished by FAX and U.S. Mail this ___ day of _____, 2012 to:

MARY A. NARDI, ESQUIRE
NARDI & NARDI, P.A.
614 N. Wymore Rd.
Winter Park, Florida 32789
(407) 478-0074; fax (407) 478-0076
Florida Bar No. 0794333
Attorney for Respondent/Wife

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

IN RE: The Marriage of:

CASE NO.

,

Petitioner/Husband,

v.

Respondent/Wife.

_____ /

WIFE'S MOTION FOR CHILD CUSTODY EVALUATION

COMES NOW, the Respondent/Wife, VIRGINIA R. UNDERWOOD, by and through the undersigned counsel, and files this Wife's \ Motion for Child Custody Evaluation and as grounds therefore states as follows:

1. This is an action for child custody evaluation pursuant to Family Law of Procedure 12.363(1).

2. There are five (5) minor children born of this marriage:

-**Samuel**, born;

-**Katherine**, born;

-**Elizabeth**, born;

-**Daniel**, born; and

-**Zachary**, born.

3. It is in the best interests of the minor children that a child custody evaluator be appointed to advance the best interests of the minor children and to perform a social investigation, commonly referred to as a custody evaluation.

4. The Wife has grave concerns over the well being of the minor children. The appointment of a neutral third party to evaluate the children and the parties will provide the most accurate portrayal of the situation and allow for an appropriate decision to be made about the best interests of the minor children relating to child contact with both parties.

5. The Husband has taken actions and exhibited erratic behavior recently which gives Wife concern over the well being of the children while in his care.

6. The five (5) minor children are clearly suffering from the stress of the Husband's actions during the pending litigation, as they have all required increased medical intervention since the inception of this case.

7. The minor children have historically suffered from health complications relating to asthma and require breathing treatments through a nebulizer. The Husband has failed to administer the appropriate medication for the children and it appears the children's breathing problems have worsened since the inception of this action.

8. As recently as April 21, 2009, the parties' son, _____, was rushed to the hospital due to abdominal pain. Appendix-related complications were ruled out but the child continues to suffer from bowel and intestinal issues, which have increased in severity since the inception of this litigation.

9. The parties' oldest child, _____, has made statements to the Wife after being in the care of the Husband, which suggest that the Husband is sharing inappropriate details of the pending litigation with the children. _____ recently stated to his mother, "what the fu*k, Mom, you cannot even make one decision for yourself, you have to consult your attorneys on everything you do."

10. The child has also stated to his mother, "you know the Florida law says that it is week on, week off, and there is no way you are getting 100% custody of us." _____ is eleven (11) years old.

11. _____ has been negatively affected by the Husband's sharing of inappropriate information and disparagement of the Wife in front of the child.

12. The situation with _____ escalated recently in late May 2009, when he expressed suicidal thoughts to his mother and stated he did not want to live anymore. _____ has exhibited extreme anger towards his other siblings and such behavior increases in severity after spending time with his father.

13. The Wife has made a conscious effort to limit her conversations about this litigation in the presence of the children; however, the child's statements suggest the Husband has not done so.

14. _____ also recently threatened to run away; he is consistently using curse words, which are not characteristic of the child and which are not permitted in the mother's home; and he exhibits extreme, unprovoked anger towards his mother after being in the care of his father.

15. The Husband has displayed other erratic behavior regarding the parenting of the minor children. Despite the fact that the children are comfortable with their pediatrician and despite their health complications, the Husband has threatened to change the children's pediatrician and other health care providers for no apparent reason.

16. Notwithstanding the children's recent illnesses and anxiety, the Husband insists on implementing a 50-50 rotating child contact schedule whereby all five (5)

children would be shuttled back and forth between the parties' two (2) different residences every other week.

17. The Wife is concerned this schedule is not in the best interests of the children, but Husband insists. He continues to threaten the Wife, stating he will seek "full custody," if she does not agree.

18. The Florida Family Rules of Procedure provide for a child custody evaluation,

"when the issue of visitation, parental responsibility, or residential placement of a child is in controversy, the court...may appoint a licensed mental health professional...an examination, evaluation, testing, or interview...or to conduct a social or home study investigation." Fl. Fam. R. 12.363 (1).

19. Florida Statute 61.20 codifies the Family Rule and provides for a social investigation and recommendations regarding a parenting plan,

"in any action where the parenting plan is at issue because the parents are unable to agree, the court may order a social investigation and study concerning all pertinent details relating to the child and each parent...and the study therefrom provided to the court by the parties..." Fl. Stat. 61.20 (1).

20. Florida Statute 61.20 further sets forth the procedures for a social investigation, in that

"the agency, staff, or person conducting the investigation and study ordered by the court pursuant to this section shall furnish the court and all parties of record in the proceeding a written study containing recommendations, including a written statement of facts found in the social investigation on which the recommendations are based. The court may consider the information contained in the study in making a decision on the child's custody and the technical rules of evidence do not exclude the study from consideration." Fl. Stat. 61.20 (1).

21. Due to the parties' divergent positions and inability to agree on child contact and Husband's demonstrated, consistent detrimental decision making, the children and parties would benefit from an evaluation and report by an expert mental health professional trained in this area.

22. As part of his or her evaluation, the child custody evaluator should be given the ability to speak freely with and gain information from both the parties' and minor children's counselors, if any, as well as conduct his or her own evaluation and interviews of other witnesses familiar with the parenting abilities and styles of the parties.

23. With this information, a child custody evaluation by a neutral third party will best assist the Court in making a decision on the issue of child contact and the implementation of an appropriate parenting plan.

24. The Court should assess each party's respective financial responsibility for the evaluation and order that the reports be sent to the respective attorneys within 75 days. The wife lacks the financial capability to pay for the evaluation.

25. The issue to be considered by the licensed mental health therapist is the current mental stability of the children and the appropriate time sharing to be awarded.

26. Prior to the filing of this motion, the undersigned counsel attempted to resolve this issue with counsel for the Husband, but was unable to do so; therefore, a hearing on this matter is required.

WHEREFORE, the Wife, VIRGINIA ROSS UNDERWOOD, respectfully requests this Honorable Court enter an order as granting the following relief:

A. Enter an order granting Wife's motion and appointing an expert mental health professional to conduct a child custody evaluation/social investigation in the above action and make recommendations as to time sharing between the parents and to advise the Court of the current level of mental stability of each child;

B. Order that the appointed mental health professional shall have the ability to speak with and gain information from both the parties' and minor children's counselors, if any, as well as conduct his or her own evaluation and interviews of other witnesses familiar with the parenting abilities and styles of the parties.

C. Order the evaluator to furnish the Court and all parties of record in the proceeding a written study containing recommendations, including a written statement of facts found in the social investigation on which the recommendations are based, within 75 days.

D. Order both parties to make appointments with the custody evaluator within five (5) days from the entry of the Court's order appointing custody evaluator.

E. Require the Husband to pay the cost of the evaluation.

F. Send a copy of this Order to _____ within 5 days of its execution.

G. Grant any such other relief as this Court deems appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Facsimile and U.S. Mail Delivery this ___ day of May, 2012 to: _____, Esquire, Attorney for Husband, _____, FL 32202.

GREENSPOON MARDER, P.A.
Counsel for Wife
201 E. Pine Street, Suite 500
Orlando, FL 32801
Telephone: (407) 425-6559
Facsimile: (407) 422-6583

By: _____
MARK P. RABINOWITZ, ESQ.
Florida Bar No. 194124

ELIZABETH TENER, ESQ.
Florida Bar No. 0747521

IN THE CIRCUIT COURT OF
THE NINTH JUDICIAL
CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

IN RE: The Marriage of
ABBY WIFE,

CASE NO.: 48-2012-DR-1234-O

Petitioner/Wife,
and

BARRY HUSBAND,

Respondent/Husband,
_____ /

**PETITIONER/WIFE’S MOTION FOR COMPULSORY
EXAMINATION OF RESPONDENT/HUSBAND FOR
EMPLOYABILITY AND VOCATIONAL TESTING**

COMES NOW the Petitioner/Wife, **ABBY WIFE** (“Wife”), by and through the undersigned attorney, pursuant to Florida Family Law Rule of Procedure 12.360 and Florida Rule of Civil Procedure 1.360, and hereby brings this, *Petitioner/Wife’s Motion for Compulsory Examination of Respondent/Husband for Employability and Vocational Testing*, and as grounds would show:

1. This case involves the issue of alimony for the Husband, and as such, his income and his ability to contribute to his needs are relevant.

2. Husband’s employability is in controversy. Husband is presently working as a part-time slacker, earning a stated gross monthly income of \$1,200.00; however, based on Husband’s age, health, education, experience and work history, Wife has good cause to believe that Husband is grossly underemployed and is capable of earning significantly more income in another field. A vocational examination is necessary in order to assist the Court in determining what, if any, income the Husband can earn in order to contribute to his own support.

3. Dr. Canduit is a qualified Vocational Rehabilitation Expert who has the qualifications to evaluate, test and analyze Husband’s ability to earn income in the marketplace, including the potential for Husband to obtain employment generating significantly more income than Husband presently earns as a part-time slacker. *See Dr. Canduit’s curriculum vitae attached hereto and incorporated herein as Exhibit “A.”*

4. The scope of the proposed vocational examination should encompass the following:
 - a. Interview(s) during which a detailed work history will be taken, and a series of vocational testing administered to determine Husband's capacity of future employability and his potential future income;
 - b. The vocational examination by the Wife's vocational expert will be conducted at the expert's office located at 1000 Truth Loop, Orlando, Florida 32801, at a date and time to be agreed upon between the parties.
5. Both parties shall cooperate with the evaluator, providing the information and documentation requested by the evaluator, as well providing the evaluator with the contact information for collateral sources/third party contacts.
6. Dr. Canduit's fees and costs should be shared equally by the parties.
7. The evaluator's report should be provided to counsel for the respective parties no later than thirty (30) days before trial, but in no event beyond the permissible discovery period.
8. Wife has attempted unsuccessfully to resolve this issue without the necessity of filing this motion. Husband should be required to contribute toward the additional fees and costs Wife has and will incur due to the necessity of this motion.

WHEREFORE, Wife respectfully requests that this Honorable Court:

- A. Enter an order requiring Husband to appear, cooperate and participate in an interview(s), examination, evaluation, and testing by a vocational expert as deemed appropriate by the vocational expert to be able to render an opinion regarding Husband's probable employability and potential income stream;
- B. Appoint Dr. Canduit or another qualified vocational expert to interview, examine, evaluate and test Husband;
- C. Apportion between the parties the responsibility for the payment of the vocational expert's fees and costs;
- D. Order both parties to cooperate with the evaluator, providing the information and documentation requested by the evaluator, as well providing the evaluator with the contact information for collateral sources/third party contacts.

- E. Order the evaluator to submit the report to counsel for the respective parties no later than thirty (30) days before trial, but in no event beyond the permissible discovery period.
- F. Award Wife attorney's fees and costs for the necessity of bringing forth this motion;
- G. Grant Wife any and all further relief that the Court deems proper and just.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this instrument has been furnished by U.S. Mail to:
Amanda Wei, Esquire, Wei, Whant, Itt and All, P.A., 1000 Golden Circle, Orlando, Florida
32801, Attorney for Husband, this _____ day of February, 2012.

Riley Yukan, Esq.
Yukan, Work & Howe, P.A.
Florida Bar No. 12345
1000 No Handout Way
Orlando, Florida 32801
Tel. (407) 123-4567
Attorney for Petitioner/Wife

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO.: DR 12-1234

IN RE: The Marriage of:

WIFE,
PETITIONER

and

HUSBAND,
RESPONDENT.

**WIFE'S MOTION FOR EVALUATION OF MINOR CHILDREN
PURSUANT TO FLORIDA FAMILY LAW RULE OF PROCEDURE 12.363**

COMES NOW, the Petitioner, WIFE, by and through her undersigned counsel,
and respectfully submits this Motion For Evaluation Of Minor Children Pursuant To
Florida Family Law Rule Of Procedure 12.363, and as grounds therefore states as
follows:

1. At issue before this Court are time-sharing, parental responsibility, ultimate decision-making, and a parenting plan of the parties' two minor children.
2. There are two minor children born of this marriage:

	Name	Birth Year	Age	Sex
--	-------------	-------------------	------------	------------

- | | | | | |
|----|------|------|----|--------|
| a. | C.K. | 1994 | 17 | male |
| b. | B.K. | 2000 | 11 | female |

3. It is in the best interests of the minor children that a licensed mental health professional be appointed to advance the minor children's best interests, and to evaluate the minor children by means of an examination, evaluation,

testing, or interview of any minor child or to conduct a social or home study investigation.

4. The Wife has grave concerns over the well being of the minor children. The appointment of a neutral third party to evaluate the children and the parties will provide the most accurate portrayal of the situation and allow for an appropriate decision to be made about the best interests of the minor children relating to child contact with both parties.
5. The Husband has taken actions and exhibited erratic behavior recently which gives Wife concern over the well being of the children while in his care.
6. The Husband has a history of alcoholism and has recently been arrested and plead guilty to DUI. Both children were present in the vehicle with Husband and under his sole care when the DUI arrest occurred. This gives Wife grave concern over the well being of the children while in his care.
7. Both minor children have been in therapy for depression and mood and/or adjustment disorders and both children have been diagnosed with clinical depression. In addition, the minor child B.K. has been diagnosed with autism spectrum disorder.
8. Both of the minor children have made statements to Wife stating that they are afraid to ride with Husband in a car.
9. As recently as February 6, 2012, the parties' youngest child, B.K., has made statements to the Wife stating that he is afraid to ride with Husband in a car because of the weird smells on his breath.

10. Both minor children have been suffering from increased anxiety and have been negatively affected by the Husband's alcoholism and impairment during his contact time with the children.
11. Notwithstanding the children's diagnoses and increased anxiety, the Husband insists on implementing a 50-50 rotating child contact schedule whereby both children would be shuttled back and forth between the parties' two (2) different residences every other week.
12. The Wife is concerned that the current timesharing schedule is not in the best interests of the children, but the Husband insists. He continues to threaten the Wife, stating that he will seek "full custody" if she does not agree.
13. The Florida Family Law Rules of Procedure provide for an evaluation of the minor children by a licensed mental health professional,

"when the issue of time-sharing, parental responsibility, ultimate decision-making, or a parenting plan for a minor child is in controversy, the court...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." Fl. Fam. R. Pro. 12.363(1).
14. Florida Statute 61.20 codifies the Family Law Rule and provides for a social investigation and recommendations regarding a parenting plan,

"in any action where the parenting plan is at issue because the parents are unable to agree, the court may order a social investigation and study concerning all pertinent details relating to the child and each parent...and the study therefrom provided to the court by the parties..." Fl. Stat. 61.20(1).
15. Florida Statute 61.20 further sets forth the procedures for a social investigation, in that:

"the agency, staff, or person conducting the investigation and study ordered by the court pursuant to this section shall furnish the court and all

parties of record in the proceeding a written study containing recommendations, including a written statement of facts found in the social investigation on which the recommendations are based. The court may consider the information contained in the study in making a decision on the parenting plan, and the technical rules of evidence do not exclude the study from consideration.” Fl. Stat. 61.20(1).

16. Due to the parties’ divergent position and inability to agree on child contact and Husband’s demonstrated and consistent detrimental decision making, the children and parties would benefit from an evaluation and report by an expert licensed mental health professional trained in this area.
17. As part of his or her evaluation, the appointed licensed mental health professional should be given the ability to speak freely with and gain information from both the parties’ and minor children’s counselors, if any, as well as conduct his or her own evaluation and interviews of other witnesses familiar with the parenting abilities and styles of the parties.
18. With this information, an evaluation of the minor children by a neutral third party will best assist the Court in making a decision on the issue of child contact and the implementation of an appropriate parenting plan.
19. The Court should order that the reports be sent to the respective attorneys within seventy-five (75) days, and that the cost associated with the evaluation be divided equally amongst the parties.
20. The appointment of a licensed mental health professional is necessary in order to determine the following issues:
 - a. whether either of the children qualify as a special needs child,
 - b. the current mental stability of the children,

c. and the appropriate time-sharing, parental responsibility, ultimate decision-making, and parenting plan to be awarded.

21. Prior to the filing of this motion, the undersigned counsel attempted to resolve this issue with counsel fro the Husband, but was unable to do so; therefore, a hearing on this matter is required.

WHEREFORE, the Wife, PETITIONER, hereby respectfully requests this Honorable Court to enter an Order granting the following relief:

A. Granting Wife's Motion For Evaluation Of Minor Children Pursuant To Florida Family Law Rule Of Procedure 12.363 and appointing an expert licensed mental health professional to conduct an evaluation of the minor children in the instant case and make recommendations as to:

- I. whether either of the children qualify as a special needs child,
- II. the current mental stability of the children,
- III. and the appropriate time-sharing, parental responsibility, ultimate decision-making, and parenting plan to be awarded.

B. Order that the appointed licensed mental health professional shall have the ability to speak with and gain information from both the parties' and minor children's counselors, if any, as well as conduct his or her own evaluation and interviews of other witnesses familiar with the parenting abilities and styles of the parties.

C. Order the evaluator to furnish all parties of record in the proceeding with a written report containing recommendations, including a written statement of facts found in the social investigation on which the recommendations are

based, no later than thirty (30) days before trial or seventy-five (75) days from the entry of the Order of Appointment unless extended by order of the court.

- D. Order the evaluator to provide written notice to the court that the report is completed and that a copy of such report has been provided to all parties of record pursuant to Family Law Rule of Procedure 12.363(b)(1).
- E. Order both parties to make appointments with the evaluator within five (5) days from the entry of the Court's order appointing the evaluator.
- F. Require the parties to be equally responsible for the cost associated with the evaluation.
- G. Send a copy of this Order to the appointed evaluator, _____, within five (5) days of its entry.
- H. Grant any such other relief as this Court deems appropriate.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Wife's Motion For Evaluation Of Minor Children Pursuant To Florida Family Law Rule Of Procedure 12.363 has been furnished to: OTHER ATTORNEY, ESQUIRE, 123 Magnolia Avenue, Orlando, Florida 32701, via U.S. Mail, on this ____ day of February, 2012.

AWESOME ATTORNEY, ESQUIRE
123 North Orange Avenue
Orlando, Florida 32801
(407) 555-1234 – Telephone
(407) 555-1235 – Facsimile
Florida Bar Number: 111111
Attorney for Wife

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. _____

XXXXXXXXXXXXXXXXXX,
Petitioner

v

XXXXXXXXXXXXXXXXXXXX,
Respondent
_____ /

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

COMES NOW the Petitioner, XXXXXXXXXXXXXXXXXXXXXXX, and pursuant to Florida Rule of Judicial Administration 2.420(d)(2), the filer of a court record at the time of filing shall indicate whether any confidential information is included within the document being filed; identify the confidentiality provision that applies to the identified information; and identify the precise location of the confidential information within the document being filed.

Title/type of Document(s): _____

Indicate the applicable confidentiality provision(s) below from Rule 2.420(1)(B), by specifying the location within the document on the space provided:

_____ Chapter 39 records relating to dependency matters, termination of parental rights, guardians ad litem, child abuse, neglect, and abandonment. §39.0132(3), Fla. Stat. (If the document is filed within a Chapter 39 case, this form is not required.) **Precise Location: Page #** _____

_____ Adoption records. §63.162, Fla. Stat. (If the document is filed within a Chapter 63 adoption case, this form is not required.) **Precise Location: Page #** _____

_____ Social Security, bank account, charge, debit, and credit card numbers in court records. §119.0714(1)(i)-(j), (2)(a)-(e), Fla. Stat. (Unless redaction is required pursuant to §119.0714(2), this information is exempt only as of January 1, 2011.) **Precise Location: Page #** _____

_____ HIV test results and patient identity within the HIV test results. §381.004(e), Fla. Stat. **Precise Location: Page #** _____

_____ Sexually transmitted diseases – test results and identity within the test results when provided by the Department of Health or the department’s authorized representative. §384.29, Fla. Stat. **Precise Location: Page #** _____

_____ Birth and death certificates, including court-issued delayed birth certificates and fetal death certificates. §382.008(6), §382.025(1)(a), Fla. Stat. **Precise Location: Page #** _____

_____ Identifying information in petition by minor for waiver of parental notice when seeking to terminate pregnancy. §390.01116, Fla. Stat. (If the document is filed within a Ch. 390 waiver of parental notice case, this form is not required.) **Precise Location: Page #** _____

_____ Identifying information in clinical mental health records under the Baker Act. §394.4615(7), Fla. Stat. **Precise Location: Page #** _____

_____ Records of substance abuse service providers which pertain to the identity, diagnosis, and prognosis of and service provision to individuals who have received services from substance abuse service providers. §397.501(7), Fla. Stat. **Precise Location: Page #** _____

_____ Identifying information in clinical records of detained criminal defendants found incompetent to proceed or acquitted by reason of insanity. §916.107(8), Fla. Stat. **Precise Location: Page #** _____

_____ Estate inventories and accountings. §733.604(1), Fla. Stat. **Precise Location: Page #** _____

_____ Victim's address in domestic violence action on petitioner's request. §741.30(3)(b), Fla. Stat. **Precise Location: Page #** _____

_____ Information identifying victims of sexual offenses, including child sexual abuse. §119.071(2)(h), §119.0714(1)(h), Fla. Stat. **Precise Location: Page #** _____

_____ Gestational surrogacy records. §742.16(9), Fla. Stat. **Precise Location: Page #** _____

_____ Guardianship reports and orders appointing court monitors in guardianship cases. §744.1076, §744.3701, Fla. Stat. **Precise Location: Page #** _____

_____ Grand jury records. Ch. 905, Fla. Stat. (If the document is filed in a Ch. 905 grand jury proceeding, this form is not required.) **Precise Location: Page #** _____

_____ Information acquired by courts and law enforcement regarding family services for children. §984.06(3)-(4), Fla. Stat. (If the document is filed in a Ch. 984 family services for children case, this form is not required.) **Precise Location: Page #** _____

_____ Juvenile delinquency records. §985.04(1), §985.045(2), Fla. Stat. (If the document is filed in a Ch. 985 juvenile delinquency case, this form is not required.) **Precise Location: Page #** _____

_____ Information disclosing the identity of persons subject to tuberculosis proceedings and records of the Department of Health in suspected tuberculosis cases. §392.545, §392.65, Fla. Stat. **Precise Location: Page #** _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by US mail on February _____, 2012, to:

XXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXX

Orlando, FL 32801

Respectfully submitted,

LAPINA & DUBOIS PA

By: _____

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Attorney for Petitioner

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

IN RE: THE MARRIAGE OF

CASE NO. 48-2012-DR-1234-O

ABBY WIFE,

Petitioner/Wife,

v.

BARRY HUSBAND,

Respondent/Husband.

**ORDER ON WIFE'S MOTION FOR COMPULSORY EXAMINATION OF
HUSBAND FOR EMPLOYABILITY AND VOCATIONAL TESTING**

THIS CAUSE having coming on to be heard on the ____ day of _____ pursuant to the *Wife's Motion for Compulsory Examination of Husband for Employability and Vocational Testing* and the Court having reviewed the Court file and the evidence presented, having heard the arguments of counsel and being otherwise duly advised in the premises does hereby

ORDER, ADJUDGE and DECREE:

1. That *Wife's Motion for Compulsory Examination of Husband for Employability and Vocational Testing* is GRANTED.
2. That Husband shall submit to a compulsory examination for the purposes of employability and vocational testing (hereinafter "vocational evaluation").
3. That the vocational evaluation shall be performed by Dr. Canduit at the expert's office located at 1000 Truth Loop, Orlando, FL 32801 at a date and time coordinated by the parties. Husband's first meeting with Dr. Canduit shall occur as soon as possible, but in no event later than thirty (30) days after the date of this Order.
4. That the cost of Dr. Canduit's vocational evaluation shall be shared equally by the parties, with Wife paying 50% and Husband paying 50%.

5. The scope of the vocational evaluation shall encompass the following:
 - a. Interviews to obtain a detailed work history of Husband;
 - b. Vocational testing administered to Husband to determine the Husband's capacity of future employability and his potential future income;
 - c. Analysis of the employment opportunities and salaries available to the Husband; and
 - d. Any other area deemed necessary by Dr. Canduit to complete his evaluation.
6. The parties shall cooperate with all requests by Dr. Canduit deemed necessary to complete his vocational evaluation and report, including but not limited to providing the information and documentation requested by the evaluator and the contact information for collateral sources/third party contacts.
7. Dr. Canduit shall provide his report to counsel for the parties no later than thirty (30) days before trial, but in no event beyond the permissible discovery period.
8. If the Husband so chooses, he may obtain a second (2nd) vocational evaluation, at the Husband's expense.
9. The Court reserves jurisdiction to reallocate the expense of the vocational evaluation between the parties at the conclusion of this case.
10. The Court reserves jurisdiction on Wife's request for attorney's fees and costs related to Wife's motion.

DONE AND ORDERED in Open Court at the Orange County Courthouse, Orlando, Florida, this ____ day of _____, 2012

Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via () Facsimile, () U.S. Mail Delivery, () Courier Service, () Hand Delivery, on this _____ day of _____ to: Riley Yukan, Esquire, Yukan, Work & Howe, P.A., 1000 No Handout Way, Orlando, FL 32801, Counsel for Wife; and Amanda Wei, Esquire, Wei, Whant, Itt & All, P.A., 1000 Golden Circle, Orlando, FL 32801, Counsel for Husband.

Attorney
Florida Bar No.