

## **RULE 12.364. SOCIAL INVESTIGATIONS**

**(a) Applicable to Social Investigations.** This rule shall apply to the appointment of an investigator to conduct a social investigation and study under section 61.20, Florida Statutes.

**(b) Appointment of Social Investigator.** When the issue of time-sharing, parental responsibility, ultimate decision-making, or a parenting plan for a minor child is in controversy, the court, on motion of any party or the court's own motion, may appoint an investigator under section 61.20, Florida Statutes. The parties may agree on the particular investigator to be appointed, subject to approval by the court. If the parties have agreed on the need for a social investigation or the court has determined there is such need, and the parties cannot agree on the selection, the court shall select and appoint an investigator. The social investigator must be qualified as an expert under section 90.702, Florida Statutes, to testify regarding the written study.

**(c) Order for Social Investigation.** The order for a social investigation shall state whether this is an initial establishment of a parenting plan or a modification of an existing parenting plan. The investigator shall be required to consider the best interests of the child based upon all of factors affecting the welfare and interest of the particular minor child and the circumstances of that family, including, but not limited to the statutory factors set forth in section 61.13, Florida Statutes.

**(d) Order Appointing Social Investigator.** An order appointing a social investigator shall state that the investigator is being appointed under section 61.20, Florida Statutes, and shall state:

- (1) The name, address, and telephone number for each parent.
- (2) The name, address, and telephone number of the investigator being appointed.
- (3) Any specific issues to be addressed.
- (4) An initial allocation of responsibility for payment of the costs for the social investigation. The court may consider taxing the costs at a final hearing.
- (5) The order shall direct the parties to contact the investigator appointed by the court to establish an appointment schedule to facilitate timely completion of the investigation. A copy of the order of appointment shall be provided immediately to the investigator by the court, unless otherwise directed by the court.

**(e) Written Study with Recommendations.** The investigator shall prepare a written study with recommendations regarding a parenting plan, including a written statement of facts found in the social investigation on which the recommendations are based. The

written study with recommendations shall be furnished to the court and a copy provided to all parties of record by the investigator at least 30 days before any hearing at which the court is to consider the written study and recommendations, unless otherwise ordered by the court.

**(f) Additional Investigation.** After the written study is furnished to the court, any party may file a motion for an additional expert examination, evaluation, interview, testing, or investigation. The court upon hearing may order the additional examination, evaluation, testing, or interview of the minor child based on the court finding that the investigation is insufficient and that further examinations, testing, interviews, or evaluations of the minor child would be in the best interests of the minor child.

**(g) Production of File.** On motion of any party, the court may order the investigator to produce the investigator's complete file to another qualified investigator for review by such investigator, who may render an opinion and testify.