

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

FILED  
SECOND JUDICIAL DISTRICT  
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*B. Harris*

No. DM [REDACTED]

[REDACTED]

Petitioner,

vs.

[REDACTED]

Respondent.

**STIPULATED ORDER APPOINTING GUARDIAN AD LITEM,  
APPOINTING 706 EXPERT WITNESS PURSUANT TO RULE 11-706 NMRA  
AND ALLOCATING FEES**

THIS MATTER coming before the Court on a stipulation of the parties; [REDACTED]  
represented by Atkinson & Kelsey, P.A. (David H. Kelsey), and [REDACTED] represented by  
George Stevens, Esquire; the Court having reviewed the pleadings and being otherwise advised,

FINDS:

- A. The Court has jurisdiction over the parties and the subject matter herein.
- B. A Petitioner for Legal Separation is currently pending before this Court.
- C. The children of the parties are:

[REDACTED]	Date of birth	[REDACTED]	Age: 13
[REDACTED]	Date of birth	[REDACTED]	Age: 8,
[REDACTED]	Date of birth	[REDACTED]	Age: 6

- D. The mental and physical health of the parties and the children are at issue in a

custody determination and time sharing

E. It is in the best interest of the child and the parties to undergo evaluation for custody and time sharing determination purposes. It is in the best interests of the children to appoint a Guardian Ad Litem and a 706 Expert to this case. The parties have agreed to MARY CHAPPELLE'S appointment as a Guardian Ad Litem. Further, the parties have agreed to DR. RICHARD REID'S appointment as appointed expert pursuant to Rule 11-706 NMRA 1999 to conduct a complete psychological evaluation of both parties as it relates to child custody and timesharing by the parties in reference to the parties' three minor children.

F. The parties and the children should undergo psychological evaluation under a court-appointed evaluator to determine the custody and time-sharing arrangements of the child and his parents.

G. The parties and their counsel should be directed to cooperate in arranging appointments to accomplish the evaluations by Mary Chappelle and Dr. Richard Reid.

H. The Petitioner should pay all the costs of the appointment of Mary Chappelle and Dr. Richard Reid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Guardian Ad Litem:

a. MARY CHAPPELLE is hereby appointed as the Guardian ad Litem ("Guardian"). The Guardian shall file an acceptance of the appointment with the Court and shall be deemed a party entitled to participate, to have notice of all proceedings, and to receive copies of all pleadings and correspondence among the parties. If the Guardian is unable or unwilling to

serve, she shall so inform the Court, and the Court will appoint a substitute.

b. The Guardian shall be deemed an arm of the Court to assist the Court in discharging its duties to determine the welfare of the children. The Guardian shall conduct an independent investigation of what constitutes the best interest of the children with respect to custody, time-sharing, therapy, and an other matters relevant to those issues in connection with this case, and shall report to the parties and to the Court on her conclusions with respect to such investigation, and shall undertake whatever formal or other actions she deems necessary or appropriate to implement his conclusions in connection with this action.

c. At any hearing in this case, the Guardian shall be entitled to testify as a witness and may report to the Court on the nature and scope of her investigation, her conclusions, and her recommendations.

d. The Guardian shall have access to all medical, dental, school, and other records related to the children. The parents shall sign any releases requested by the Guardian to provide access to records. The Guardian may consult the children's and parties' therapists, if any, but the therapist may preserve patient confidentiality as the therapist deems appropriate.

e. The Guardian shall have the power to facilitate decision making regarding minor decisions for the parties and such recommendations to the parties shall be binding unless and until set aside by the Court on motion of either party.

f. The parents shall cooperate directly with the Guardian as she requests. If counsel for either parent wishes to be present at or participate in any communications between the Guardian and his/her client, counsel shall notify the Guardian in writing. Counsel who wish to

be present shall be available as the Guardian requests.

g. The Guardian shall have the right to communicate and consult with the designated Evaluator during the course of both evaluations.

h. The Guardian is required to submit a report to the Court, with copies to counsel, to make a recommendation to the Court concerning the custody and visitation arrangements of the children with their parents.

i. The Petitioner shall be responsible for the Guardian Ad Litem fees.

2. Court Appointed Expert:

a. Dr. Richard Reid is appointed the Court's expert, pursuant to Rule 11-706 NMRA 2001, ("Evaluator") for the purpose of conducting a complete psychological evaluation of both parties. in this proceeding as it relates to child custody and timesharing:

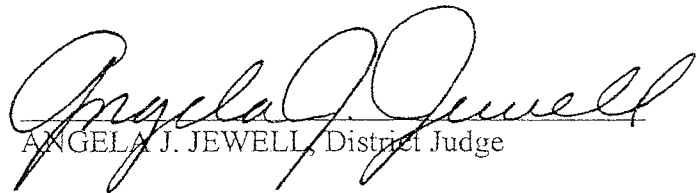
b. The court-appointed expert has quasi-judicial immunity.

c. The parties shall both immediately contact the Evaluator to set an initial appointment time. Thereafter, the parties shall cooperate in all ways in the evaluation as requested by the Evaluator.


d. It is understood that the Evaluator is serving under the Court's appointment and, if required to testify by either party, shall testify as the Court's impartial witness and not as an advocate for either party. It is understood further that his opinions and recommendations may favor one party, but that his report, reevaluation (if any), preparation for Court appearance, and testimony to the Court are all part of this Court-ordered evaluation.

e. The Evaluator shall have the right to communicate and consult with the Guardian during the course of the evaluations.

e. The Evaluator is required to submit a report to the Court, with copies to counsel, on the psychological condition of the children and their parents and to make a recommendation to the Court concerning the custody and visitation arrangements of the children with their parents.

  
ANGELA J. JEWELL, District Judge

APPROVED:

  
DAVID H. KELSEY  
Attorney for Respondent

Telephonically approved by  
George Stevens on 9/6/01  
GEORGE STEVENS  
Attorney for Petitioner