

ATTORNEY Bar #(0000)

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FIRM NAME

Attorneys for CLIENT

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IN THE THIRD JUDICIAL DISTRICT JUVENILE COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH, in the
interest of:

) MOTION AND MEMORANDUM
) FOR INDEPENDENT EVALUATION

CHILD (00-00-00)

) Case #

CHILD (00-00-00)

)

)

)

A person(s) under the age
of eighteen years.

) JUDGE

)

COMES NOW CLIENT, by and through counsel, ATTORNEY, and hereby moves this Court for an order permitting Respondent the opportunity to have an independent visitation evaluation performed upon the above named children pursuant to Utah Code Annotated §78-3a-504 (1996). Respondent sets forth the following:

FACTS

On or about December 9, 1997 Respondent CLIENT, through counsel requested a hearing to establish a set visitation schedule. The hearing was scheduled for December 16, 1996 but was later continued to January 21, 1997. Approximately two (2) weeks after Respondent's

request for a visitation schedule a referral for sexual/physical abuse upon CHILD was made. Petitioner's subsequently motioned this Court to limit or suspend visitations between Respondent and her children. This Court suspended visitations pursuant to that request.

A review hearing was to be heard within eight (8) weeks of the January 21, 1997 hearing on April 9, 1997. Petitioner's have since requested two (2) continuances and the matter is now scheduled for June 16 and June 17, 1997, where Petitioner's intend to pursue termination of Respondent's parental rights.

ARGUMENT

Dr. PSYCHOLOGIST has provided counseling for the children from approximately December 1996. Dr. PSYCHOLOGIST has been and continues to be retained by GRANDMA. Because the children are not in the custody of the Respondent, she makes this motion pursuant to Utah Code Annotated §78-3a-504 (1996) which permits this Court to order that a minor, concerning whom a petition has been filed, shall be examined by a physician, surgeon, psychiatrist, or psychologist.

Petitioner's seek to terminate the parental rights of the Respondent. Respondent requests that the children, be evaluated by a psychologist or psychiatrist independent from GRANDMA or the FAMILY and that this psychologist have specific sexual abuse training or education. Counsel for Respondent has contacted the Guardian ad Litem for suggestions regarding possible psychologists and was provided with two names. The Guardian ad Litem is in support of this motion and Respondent agrees to contact one of the professionals provided by GUARDIAN AD LITEM.

Utah Code Annotated §62A-4a-201 (1996) provides that there is a presumption that it is in the best interest and welfare of a child to be raised under the care and supervision of his natural parents. Respondent asserts that this motion should be granted as the upcoming trial may *substantially* effect the Respondent's rights.

WHEREFORE, Respondent respectfully requests that this Court grant her motion and order an independent evaluation upon the children CHILD and CHILD..

DATED this ____ day of May 1997.

ATTORNEY
Counsel for CLIENT

CERTIFICATE OF MAILING

I hereby certify that on this ____ day of _____, 1997, I hand delivered, faxed or mailed, first class postage prepaid, a true and correct copy of the foregoing Motion for Independent evaluation to:

STATE OF UTAH
ATTORNEY GENERAL'S OFFICE

GUARDIAN AD LITEM
