# 90.

E-FORM

Para 95(1) PD 2024

## Application for the Appointment of Expert in Respect of Custody and Access Issues

(Title as in action)

**APPLICATION FOR THE APPOINTMENT OF EXPERT IN RESPECT OF CUSTODY AND ACCESS ISSUES**

Note:

Please use this Form with the Generic Summons form (Form 67).

**1.** **Orders Applied For**

1. A report is to be prepared by the expert as proposed by the  Applicant  Respondent in the Expert witness table (Annexure 1) in relation to the following  child  children:

|  |
| --- |
| State name(s) and date(s) of birth of the child(ren) here. |

1. The report is to be filed in court by [the date in item 10 of Annexure 1], or such later time as the court may fix, upon application by any party.
2. The costs of preparation of the report are to be borne in the manner proposed in item 13 of Annexure 1.
3. A letter in the form of the draft Letter of Instruction to Expert Witness (Child) as annexed to this application (Annexure 2) shall be sent to the expert by [to state name of party] (“the party writing to the expert”) on or before [to state date], which letter shall be copied to the court and all other relevant parties [please specify] to these proceedings.
4. To facilitate investigations by the expert in respect of the report:
5. Each party to these proceedings is to furnish to the party writing to the expert, upon request, any information which is necessary in order to enable that party to complete Schedule 1 of the draft Letter. If the contact particulars stated in Schedule 1 change before the report is filed in court, the parties are to update the expert on the same within 3 working days of the said change(s), if this is within their knowledge.
6. The parties are to co-operate with the expert and comply with any and all requests made by the expert in the course of his/her investigations for the purposes of the report, including, but not limited to:

(i) allowing the other party free access to the child/children (notwithstanding any current orders for access or interim access) for the purpose of an interview by the expert;

(ii) attending all appointments made with the expert punctually;

(iii) allowing the child/children to be interviewed alone (i.e. not in the presence of any party), or with any other person as the expert sees fit, and otherwise examined or assessed by the expert; and

(iv) providing any information requested by the expert, for example, on one’s educational history, family members, living arrangements.

If any of the orders in paragraph (e) above are not complied with, the expert may, unless the court otherwise orders, proceed to prepare the report with details of any party’s non-compliance with the said orders, for the court’s information, consideration and/or directions.

### Annexure 1: Expert witness table

*[Insert Annexure 1 – Expert witness table (Form 93)]*

### Annexure 2: Letter of Instruction to Expert Witness (Child)

*[Insert Annexure 2 – Letter of Instruction to Expert Witness (Child) (Form 91)]*

**SCHEDULE 1—Name and Contact Particulars of Concerned Persons**

**CASE NO.: Divorce Suit \* No. [to state number]**

**The Applicant**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | **Identity Card No.** | **Current address and contact no. during office hours\*** | **Relationship to the child** |
| **Applicant** | Enter name here | Enter Identity Card No. here | Enter address here  Tel: Enter telephone number here | Enter relationship here |

**The Respondent**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Name** | **Identity Card No.** | **Current address and contact no. during office hours\*** | **Relationship to the child** |
| **Respondent** | Enter name here | Enter Identity Card No. here | Enter address here  Tel: Enter telephone number here | Enter relationship here |

**The Child/Children for whom the report has been ordered (to be completed by parent having care and control of the child)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name of the Child(ren)** | **Birth Cert. No.** | **Date of birth** | **Gender** | **Current address and contact no. during office hours\*** |
| 1 Enter name here | Enter birth cert no. here | Enter birth date here | M / F | Enter address here  Tel: Enter telephone number here |
| 2 Enter name here | Enter birth cert no. here | Enter birth date here | M / F | Enter address here  Tel: Enter telephone number here |
| 3 Enter name here | Enter birth cert no. here | Enter birth date here | M / F | Enter address here  Tel: Enter telephone number here |

**Other Concerned Persons**

|  |  |  |
| --- | --- | --- |
| **Name** | **Current address and contact no. during office hours\*** | **Relationship to the child** |
| Enter name here | Enter address here  Tel: Enter telephone number here | Enter relationship here |
| Enter name here | Enter address here  Tel: Enter telephone number here | Enter relationship here |
| Enter name here | Enter address here  Tel: Enter telephone number here | Enter relationship here |

\* Parties must inform the expert if the contact address or telephone number is changed during investigation.

*[Insert Schedule 2 – Note to Expert witness (Form 92)]*

**SCHEDULE 3—Relevant Documents**

A copy of each of the documents in this Schedule is also attached.

**A. List of documents which the expert may wish to consider when preparing the report**

CASE NO.: Divorce Suit No [to state number]

|  |  |  |  |
| --- | --- | --- | --- |
| S/No. | Document | Party who had furnished the document[[1]](#footnote-1) | Date of document |
| 1 | Describe document here | Applicant / Respondent / other party | Enter date here |
| 2 | Describe document here | Applicant / Respondent / other party | Enter date here |
| 3 | Describe document here | Applicant / Respondent / other party | Enter date here |
| 4 | Describe document here | Applicant / Respondent / other party | Enter date here |

**B. List of court orders currently in force and related to the child(ren) in question**

CASE NO.: Divorce Suit No [to state number]

|  |  |  |
| --- | --- | --- |
| S/No. | Court order | Date of court order |
| 1 | Describe Court order here | Enter date here |
| 2 | Describe Court order here | Enter date here |
| 3 | Describe Court order here | Enter date here |
| 4 | Describe Court order here | Enter date here |

**C. Common set of agreed or assumed facts to be relied on for your report**

|  |
| --- |
| Include the Court-approved set of agreed or assumed facts here. |

1. Available options are: Applicant, Respondent or other party. [↑](#footnote-ref-1)