

Court-Ordered Evaluations Support Program (C-OESP)



What is a court-ordered evaluation?

When parents separate they may not always agree on matters such as custody and access. Some may ask a mediator or lawyer to help them negotiate. In a few cases, however, they may have to ask the court to decide issues of custody and access for them. This is referred to as a **contested** custody and/or access case.

The court will make its decision based on the “best interests of the child.” To do so, the court sometimes requests an evaluation of one or both parents and/or the children. The types of evaluations that the court may order can include:

- Full evaluations to determine the “best interest of the child”;
- Child interviews (often called “voice of the child” interviews) to determine the wishes, needs and interests of the child;
- Focused evaluations to obtain specific information;
- Home studies to determine if the home and family environment can adequately meet the basic needs of the child;
- Parenting capacity assessments to verify the capacity of either parent to properly and effectively raise the child;
- Psychiatric evaluations in cases where there are concerns about disorders affecting the mind of the child or parent;
- Psychological assessments to determine intellectual levels and functioning, behaviours, and disorders of behaviour, emotions and thought of the child or parent.

Who will do the evaluation?

Court-ordered evaluations must be done by a qualified third party such as a social worker, psychologist, psychiatrist, or other expert who can assess any or all members of the family to obtain the information needed by the court.

Are court-ordered evaluations expensive?

The evaluations required by the court can often be very expensive. This could cause financial hardship to the families.

Is assistance available to help with the cost of an evaluation?

The Department of Justice offers the **Court-Ordered Evaluations Support Program** to help relieve some of the financial burden that a court-ordered evaluation places on parents or guardians.

The level of assistance is based on the parent’s income.

Who can apply to the Court-Ordered Evaluations Support Program?

When the court orders an evaluation in a contested custody and/or access case, each parent involved in the case may apply to the Court-Ordered Evaluations Support Program for assistance. Because the law generally requires parents to share the costs equally (unless the court orders otherwise), parents must make separate applications to the Program. **Family law clients of the New Brunswick Legal Aid Services Commission are not eligible to apply.**

How much assistance will the Court-Ordered Evaluations Support Program provide?

The amount of assistance depends on your income. The Department of Justice may cover all, or a portion, of your share of the cost of the evaluation. After reviewing your application, the Department will send you a letter with complete details about the amount of the contribution to the cost of the evaluation that the Court-Ordered Evaluations Support Program will provide.

How do I find a qualified evaluator?

The Court-Ordered Evaluations Support Program does not arrange the services of evaluators. Parents are responsible for arranging for an evaluator. Parents must agree on who is going to conduct the evaluation. To find a qualified evaluator you should consider:

- Asking your lawyer
- Checking the Yellow Pages under Marriage, Family and Individual Counsellors
- Contacting the New Brunswick Association of Social Workers for a list of possible evaluators (telephone: 1-506-459-5595) www.nbasw-atsnb.ca
- Contacting the College of Psychologists of New Brunswick (telephone: 1-506-382-1994) www.cpnb.ca.

In addition, be sure to ask the prospective evaluator if he or she is qualified to do custody evaluations for the court.

How do I apply to the Court-Ordered Evaluations Support Program?

After you have received your signed court order for a custody/access evaluation, you may apply for assistance. The appropriate forms are available at the Court Services Division offices in any of the Court of Queen’s Bench of New Brunswick judicial districts of Bathurst, Campbellton, Edmundston, Fredericton, Miramichi, Moncton, Saint John, and Woodstock. (See the address list.) You may also download the forms from the **Family Law NB** website at www.familylawnb.ca.

To apply, you will be required to:

1 Complete the **C-OESP Application Form** and attach the following income information:

- **If an employee:**
 - a copy of your most recent annual Notice of Assessment from Canada Revenue Agency, and a copy of a recent statement of income, such as a pay stub, from your current employer(s)
- **If self-employed:**
 - copies of your 3 most recent annual income tax returns and corresponding Notices of Assessment from Canada Revenue Agency
- **If not employed:**
 - a copy of your most recent annual income tax assessment notice, **and**
 - a recent statement of income (if any) from all current sources of income (such as Employment Insurance benefits, social assistance, disability benefits, Worker’s Compensation, etc)

2 Attach a copy of your Court Order to the Application. You must also include copies of any other orders about custody and/or access.

3 Send all of the above documents to the address provided in the Application Form.

Remember, each party applying for C-OESP assistance must fill out a separate Application Form.

Court Services Division Offices of New Brunswick

Judicial District of Saint John (506) 658-2400

(Counties of Saint John, Kings & Charlotte)
P.O. Box 5001, 10 Peel Plaza, Saint John Law Courts
Saint John, N.B. E2L 3G6

Judicial District of Woodstock (506) 325-4414

(Counties of Carleton & Victoria)
P.O. Box 5001, 689 Main Street
Woodstock, N.B. E7M 2E2

Judicial District of Moncton (506) 856-2304

(Counties of Westmorland, Kent & Albert)
145 Assumption Blvd, Moncton Law Courts
Moncton, N.B. E1C 0R2

Judicial District of Bathurst (506) 547-2152

(County of Gloucester)
P.O. Box 5001, 254 St. Patrick St., Bathurst Court House
Bathurst, N.B. E2A 3Z9

Judicial District of Campbellton (506) 789-2364

(County of Restigouche)
P.O. Box 5001, 157 Water St., City Centre Building, Suite 202
Campbellton, N.B. E3N 3H5

Judicial District of Miramichi (506) 627-4023

(County of Northumberland)
673 King George Highway, Miramichi Law Courts
Miramichi, N.B. E1V 1N6

Judicial District of Edmundston (506) 735-2028

(County of Madawaska)
121 Church Street Carrefour Assomption
Edmundston, N.B. E3V 1J9

Judicial District of Fredericton (506) 453-2015

(Counties of York, Sunbury & Queens)
P.O. Box 6000, 427 Queen Street Room 207, Justice Building
Fredericton, N.B. E3B 5H1

For more information, you can contact a Court Services Division office or you may call the **Family Law Information Line** at:

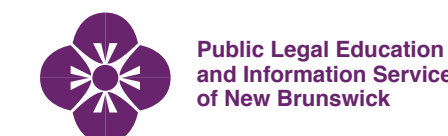
1-888-236-2444

Fredericton Region 444-3855

Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization. Its goal is to provide New Brunswickers with information on the law. PLEIS-NB receives funding and in-kind support from the federal Department of Justice, the New Brunswick Law Foundation and the Office of the Attorney General of New Brunswick. We gratefully acknowledge the cooperation of the New Brunswick Department of Justice and Public Safety in the development of this pamphlet. Funding assistance for this program has been provided by Justice Canada.

This pamphlet gives a brief overview of the C-OESP program, and explains who may be eligible and how to apply. It does not contain a complete statement of the law in the area of custody and access, and laws change from time to time. Anyone requiring advice on his or her specific situation should seek legal advice.

Published by:



P.O. Box 6000
Fredericton, NB E3B 5H1
Telephone: 506-453-5369
Fax: 506-462-5193
Email: pleisnb@web.ca
www.legal-info-legale.nb.ca
www.familylawnb.ca

Published in collaboration with:

NB Department of Justice and Public Safety
P.O. Box 6000
Fredericton, NB E3B 5H1
Email: COESP@gnb.ca