



ADMINISTRATIVE RULES OF MONTANA



24.219.1205 ROLE OF THE LICENSEE

- (1) In a parenting plan evaluation, the licensee shall maintain an unbiased, impartial role. The client is the child, and recommendations must be made which are in the best interests of the child. The licensee shall clarify with all parties, attorneys, and the court the nature of the licensee's role as an objective evaluator.
 - (a) The licensee shall act as an impartial evaluator of the parties, assessing relevant information, and informing and advising the court and other parties of the relevant factors pertaining to the parenting issue.
 - (b) The licensee shall remain impartial, regardless of whether the licensee is retained by the court or by a party to the proceeding, and regardless of whom is responsible for payment.
 - (c) If circumstances prevent the licensee from performing in an impartial role, the licensee shall attempt to withdraw from the case. (See ARM 24.219.1207)
 - (d) If the licensee is not able to withdraw, the licensee must reveal any factors that may bias the licensee's findings and/or compromise the licensee's objectivity.
 - (e) Communication with parents or attorneys must be conducted in such a manner as to avoid bias. The licensee must exercise discretion in informing parties or their attorneys of significant information that is gathered during the course of the evaluation. The licensee shall not communicate essential information to one party's attorney, without also communicating the information to the other party's attorney and to the guardian ad litem, if one is appointed.

Authorizing statute(s): 37-1-131, 37-39-103, MCA

Implementing statute(s): 37-1-131, 37-39-103, MCA

History: NEW, 2011 MAR p. 2038, Eff. 9/23/11; AMD, 2024 MAR p. 279, Eff. 2/10/24.