

Rule 16.23. Examinations of Minors

(a) Applicability; Motion; Notice.

- (1) This rule governs a physical or mental evaluation of a minor in family law actions.
- (2) When ordering a physical or mental evaluation of a minor, the court may proceed under this rule or NRCP 35. The court's order must state the court's reasoning for proceeding under either rule and must include findings as to the best interests of the child.
- (3) Upon motion and after notice to all parties and the person to be examined, a court may for good cause order an examination of a minor's mental or physical condition.
 - (b) **Order.** The order must comply with Rule 16.22(b).
- (c) **Recording.** In a motion requesting an examination or an opposition thereto, the parties may request that an examination be audio or video recorded. When considering whether to approve a recording, the court may appoint a guardian ad litem for the minor child, hold a hearing, or both. The court may grant a request to record the examination if making the recording is in the child's best interest. Any recording must be provided to the court and placed under seal. On motion, and for good cause, the court may permit dissemination of the recording, which must include appropriate restrictions on its release and use.

(d) Observers.

(1) **In General.** In a motion requesting an examination or an opposition thereto, the parties may request that an observer be present at the examination. When considering whether to approve a request for an observer, the court may

appoint a guardian ad litem for the minor child, hold a hearing, or both. The court may grant a request for an observer if the observer's presence is in the child's best interest and would not compromise the examination. The observer may not be any party, any party's attorney, or anyone employed by the party or their attorney. If the minor child is of sufficient age and maturity, the court may consider the child's preference in choosing the observer. The court must approve the specific observer prior to the examination, and that person must not in any way interfere with, obstruct, or participate in the examination.

- (2) **Parents.** If ordered by the court, the parents of a minor may observe a physical examination, but may not interfere with, obstruct, or participate in the examination.
- (e) **Examiner's Report**. The examiner's report and access to it must comply with Rule 16.22(e)(1) and (3)-(6).
- (f) **Stipulations.** Any stipulation for a minor's examination must comply with Rule 16.22(f).

Advisory Committee Note-2018 Amendment