

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

TRENT M. SHULTZ,	:	
Plaintiff	:	
	:	
v.	:	NO. 96-21,369
	:	
DEBORAH L. SHULTZ,	:	
Defendant	:	

OPINION and ORDER

The issue in this case is whether one party in a custody proceeding is entitled to receive a copy of a psychological report paid for by the other party. Deborah Shultz, the mother in this custody case, has asked this court to order Trent Shultz, the father, to provide him with a copy of a psychological report prepared by Dr. Daniel Egli. Ms. Shultz contends she is not obligated to do so because she paid for the entire report and does not intend to use it in the upcoming custody trial.

Ordinarily, someone pays for a psychological evaluation he or she does not have to share the resulting report with the opposing party, even if that party voluntarily participated and is discussed at length in the report. If the purchasing party does not like the report he or she can bury it, with no adverse consequences. Therefore, if the non-purchasing party wishes to obtain a copy of the report, he or she would be well advised to participate in the evaluation only upon agreement that a copy will be provided.

When the opposing party participates pursuant to a court order, however, it is an entirely different matter. Then the report is no longer a “private purchase.” The court has interceded, and has directed the opposing party to participate. Therefore, the purchasing party does not have an exclusive right to the report. The non-paying

party is fully entitled to receive a copy and to use it in court if he or she so desires.

Ms. Shultz was ordered to participate in the evaluation by the court; therefore, she is entitled to a copy of the report.

ORDER

AND NOW, this _____ day of September, 1999, after argument, the Petition for Special Relief filed by Deborah Shultz on 28 July 1999 is granted and Trent Shultz is ordered to provide Deborah Shultz with a copy of the Egli psychological report within five days of the date of this order.

BY THE COURT,

Clinton W. Smith, P.J.

cc: Dana Stuchell Jacques, Esq., Law Clerk
Hon. Clinton W. Smith
William Miele, Esq.
Joy McCoy, Esq.
Gary Weber, Esq.