

CORNERSTONE

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Custody Evaluation Informed Consent For Participants

Introduction:

These procedures have been standardized to provide the court with important information about you, the other parent, and your child(ren) so that the court may make a decision about what is in the best interest of your child(ren).

Carefully read the entire document and write your initials in the space to the left of each of the items to document that you have read, understood, and agree to the conditions of the evaluation. In addition, please date and sign where indicated. Signing this document indicates that you understand the evaluation procedures and agree to participate as specified by the conditions set forth in these documents. You may have your attorney review this agreement.

This is an agreement between you and Todd Bennett, Ph.D., from here on out referred to as the evaluator.

This document constitutes the entire agreement. Modifications to this agreement must be made in writing and signed by both parties.

____ Custody Evaluation Overview

- A: This evaluation was agreed to by both parties, their respective attorneys, and ordered by the court.
- B: The evaluation begins when the evaluator receives the order from the court.
- C: Under judicial appointment, the evaluator is clothed with immunity from civil litigation, pursuant to Idaho Rule 706.
- D: The evaluator does not work for either party regardless of their responsibilities for paying the fees for the evaluation.
- F: This agreement may be terminated for any of the following reasons:
 - a) Refusal of one or both parties to participate in the evaluation.
 - b) Failure to perform according to the terms of this agreement.
 - c) Allegations that the evaluator engaged in inappropriate or unethical behavior.
 - d) Settlement between the parties.

____ Evaluation Process

- A: The evaluation is designed to assess the following:
- The psychological functioning of each parent and stepparent figure;
 - The history of the parents' relationship;
 - The parenting skills and relative strengths and weaknesses of each parent;
 - The quality of the relationships between the child and parents and stepparents;
 - The child's relationships with siblings;
 - The presence or degree of family violence or abuse;
 - The intensity of the parents' conflict and the degree to which the child is exposed to the conflict;
 - The child's developmental needs, temperament, and emotional functioning;
 - The ability of the parents to work together to meet the child's needs;
 - The degree of alignment and alienation in the child's relationships and reasons for such dynamics;
 - Geographic issues with one or both parents desiring to move out of the local area;
 - And any other area in which the court specifically requests.
- B: In this case, the evaluator will render the services listed below:
- Individual interviews with each biological parent
 - Individual interviews with persons in a stepparent role, from here on referred to as the stepparent
 - Interviews with each child at or over the age of six
 - Home visits with each parent
 - Observations of parents and children
 - Psychological testing
 - Review of records pertinent to the case
 - Possible interviews with collateral contacts
 - Possible travel and related expenses
 - Preparation of a written report
 - Possible extraordinary clerical expenses
- C: All meetings are audio recorded. These recordings are done to provide an accurate account of what occurred during the interviews. This process provides a level of accountability for both the evaluator and participants.

____ Fees

- A: The evaluator charges an hourly rate of \$225 for all services provided during the custody evaluation.
- B: The evaluator works off of a retainer, much like how your attorney manages funds. A deposit is required before the evaluation begins. This is only a deposit and not the total cost of the evaluation.
- C: Your initial deposit is estimated based on the projected cost of your evaluation, as determined by several factors specific to your case. Conditions, such as

additional stepparents, high number of children, and extraordinary travel, will add to the overall cost of the evaluation. The initial deposit is \$7,000. If additional expenses are projected the initial deposit could be more. This will be discussed with you when you make your initial contact with our office.

- D: The court assigns the responsibility of payment of the evaluation. Sometimes one side is responsible for the full cost. Other times, the court will split the financial responsibility equally or by some other percentage.
- E: The court will sometimes reserve the right to reallocate the division of cost of the evaluation following the release of the report. The division of costs for the evaluation does not change the evaluator's roles or responsibilities.
- F: Prior to the release of the final report, the evaluator must be paid in full for all services rendered. The responsible parties will be notified of their portion of the final bill. No payment arrangements will be made. Final payments must be in cash or secured funds. No personal checks will be accepted.
- G: Appointments that are not attended with less than 48 hours notice will be billed at full rate for the full amount of the evaluator's time. Appointments cancelled with more than 48 hours notice, will not be billed. Since a late cancel or no-show appointment is not part of the evaluation, those instances are billed directly to the individual who missed the appointment.
- H: A case is considered settled only after our office receives documentation from the court. In the event of a settlement prior to the release of the evaluator's report, the responsible parties agree to pay their portion of all outstanding charges and any extraordinary expenses immediately upon receipt of any itemized statement detailing those charges. Any funds held in the retainer account from deposits and payments that are not used to pay for charges will be refunded to the parties.
- I: Insurance will not cover any of the costs of a custody evaluation.

____ Privilege, Confidentiality, and Privacy

- A: Privilege and Confidentiality have similar meanings. Both refer to the release of personal information. Privilege is related to legal proceedings and references the concept that individuals have a right to have their personal information not used against them in a court of law. Since the evaluator is ordered by the court and will report to the court, there is no privileged communication between the evaluator and either party.
- B: Confidentiality refers to the duty of a professional, such as a psychologist, to not disclose personal information. Since there will be a report released to the court, which contains sensitive information, each parent must be aware of the limits of confidentiality regarding themselves, as well as their children.

C: Privacy refers to an individuals' right to have private information kept from being disseminated or communicated to others. Steps are taken to maintain individuals' privacy. Outside of the collection of information from collateral sources and the final report, which is submitted to the court and the attorneys, the evaluator will not share personal information collected during this evaluation process to others without specific written consent of the parties.

____ Roles and Relationships

- A: The evaluator cannot have a prior personal or professional relationship with either party, stepparent, or child(ren) in this case. If during the evaluation it becomes apparent that such a relationship exists, the evaluation will be stopped and the evaluator will write a request to the court to be removed from the case so that another evaluator can be assigned. If there are any such relationships you believe to exist, make this known prior to starting the evaluation or as soon as identified.
- B. The evaluator must remain impartial throughout the evaluation process. To do this the evaluator will follow set procedures and protocol. The evaluation will also be balanced with regards to the appointments with each parent. Sometimes interview time varies based on differences between the parents' communication styles.
- C: There will be no contact between the evaluator and the participants outside of scheduled meetings. The evaluator will not speak on the telephone or respond to emails. If information needs to be shared with the evaluator outside of scheduled meetings, such communication can be done through email or direct delivery of information to the evaluator's office manager, who will pass that information on to the evaluator.
- D: There will be no ex parte communications regarding the specifics of your case with either attorney during the evaluation process. If resolution of a particular issues becomes necessary, this must be done with a telephone conference call with both attorneys present.
- E: The evaluator may contact one attorney to request documentation or have information subpoenaed and delivered to the evaluator.
- F: Following the completion of the evaluation, the evaluator cannot fulfill different role with either party, such as becoming a therapist or mediator.

____ Releases of Information

A: As part of the evaluation, the evaluator will need to collect information from other professionals who are bound by a duty to protect confidential information. It is a requirement, in order to comply with this evaluation process, for you to sign forms that release that confidential information from those individuals or agencies to the evaluator. The necessary form is found on our website in the

section for custody evaluations. The form is called: **Release of Confidential Records and Information**. If you cannot download and print off this form, you can obtain it from the evaluator's office. You will need to fill out one form for each professional relationship in the following categories:

- a) Individual counselor for you
- b) Marriage counselor
- c) Individual counselor for each child
- d) Pastoral counselor
- e) Psychiatric hospital records
- f) Child(ren)'s school(s)
- g) Mediator or parenting coordinator involved in your custody case

B: Turn in all the releases of information to the evaluator's office as soon as possible. The evaluator's staff will send out the forms and request the desired information. Typically, the evaluator will request that such professionals provide a written summary regarding their involvement with you. The evaluator does not initially want full files including treatment notes. The evaluator does, however, reserve the right to request the full file if it is deemed to be warranted.

_____ Testing

A: You must consent to take psychological tests as part of your custody evaluation. Testing is done at the evaluator's office and can take two to three hours based on reading speed. You are not allowed to talk to others or use your phone during the session. The results from this testing will be interpreted and included in the final report. Sometimes embarrassing information can come out in the testing interpretation. You may also believe that the testing interpretation is not accurate in how you see yourself. However, no custody decisions will be made solely from the psychological testing data. This information is only used to supplement the other data collection in this evaluation.

B: Additional Testing: The evaluator reserves the right to require additional testing outside of his professional scope or field. Such tests might include but are not limited to: Urinalysis or hair follicle drug testing, Medical Evaluation, Intelligence testing, and/or Polygraph evaluation. All such testing/evaluation is contracted through Cornerstone Psychological Associates and added to the overall cost of the Custody Evaluation.

_____ Documentation

A: Documents and records are useful as objective or factual information that can support or refute allegations or claims made by either or both parties.

B: We only receive documentation through your attorney. All documentation is subject to discovery by the other side, thus your attorney needs to be able to provide that documentation as requested. You, therefore, must provide your

attorney all documents you wish to be considered by the evaluator early on in the evaluation process so that your attorney can send or deliver them to the evaluator in a timely manner. The evaluator will review all documents provided.

- C: The evaluator may also seek out and review additional documents that were not provided by either party or attorney.
- D: Sometimes the evaluator will have an attorney subpoena certain documents that might be protected by confidentiality or privacy.
- E: Only provide documents that add objective information to the case. Personal journals or calendars are not considered objective documentation, so you should speak to the evaluator about whether these should be provided.
- F: Keep all originals of documents in your possession. Once your attorney provides documents to the evaluator, they go into a permanent file and cannot be returned. If you need copies of your documents you will be charged administrative costs.
- G: The evaluator's hourly rate will be charged for reviewing documents, so ensure that documents are concise and relevant to your case.
- H: All documentation must be submitted by your attorney by your third meeting with the evaluator unless other arrangements are made in advance.

____ Collateral Contacts

- A: The evaluator must also be free to contact any other parties who may have useful information to the case. These individuals are considered to be collateral contacts. It is up to the discretion of the evaluator whether he interviews collateral individuals or not. Most of the time, collateral interviews are conducted over the telephone.
- B: Only persons who have a perceived level of objectivity regarding both parents and the child(ren) will be contacted. Do not list friends or relatives to be contacted.
- C: List contacts only on the provided Collateral Contacts Release of Information form. Be sure to list the contacts' names, phone number, relation to you, and the type of information they hold related to your case.
- D: There is no confidentiality for your collateral contacts. If they are not willing for the evaluator to use their name and document their statement, the interview will not be completed or included in the evaluation report.
- E: Inform your contacts that you are undergoing a custody evaluation and that the psychologist MIGHT contact them. Ask their permission to be contacted

before you place them on your list. Tell your contacts that it is okay with you that they speak with the evaluator and that they have your permission to say whatever they feel to be true and the best interests of the child(ren).

_____ Finishing the Report

- A: After the evaluator has completed his meetings with all the respective parties in the case, a final report will be written and sent simultaneously by fax and/or email to the court and both attorneys. You will receive your copy of the evaluation through your attorney.
- B: If a parent is not represented by an attorney, that parent must provide a fax number or email address to the evaluator's office if they want the report sent electronically, otherwise a hard copy of the report will be mailed.
- C: After the submission of the report, all communication between the parties and the evaluator will be stopped. If communication continues, the judge and the parent's attorney will be notified of the parent's behavior.
- D: Custody recommendations are not a judgment that is considered the final word in your case. Often, the recommendations from the evaluator serve as a starting point for negotiations between the parties to reach a settlement. If a settlement is not reached, the judge has the ultimate deciding power for custody decisions. The judge uses the custody evaluation and any conclusions or recommendations to further his or her understanding of the parties and the needs of the child(ren).
- C: There will be no interim recommendations. This evaluator will not give recommendations for temporary custody arrangements to the court prior to the release of the final report.

_____ Court Testimony

- A: Prior to rendering in-court testimony, the parent agrees to pay any outstanding charges and an \$1,000 court fee. Typically the party requesting the evaluator to appear in court is responsible for the evaluator's fees. A subpoena without the required deposit will be viewed as invalid and the attorney will be contacted and it will be explained that the evaluator's schedule will not be blocked out for the court time. The court fee will cover up to 4 hours of the evaluator's time, including travel, waiting, and testimony. Any amount of time that exceeds 4 hours will be billed at \$250 per hour. Depositions are also charged the same fee and will be also billed at \$250 per hour for anything more that 4 hours. If the deposition is not held in the evaluator's office, travel time and expenses will be added to the deposition time.
- B: The evaluator requests that the parent or the attorney inform him of changes in court, deposition, or other relevant scheduled dates at least three (3) business

days (72 hours) in advance. Time reserved by the parent or the parent's attorney for court, will be charged to the parent. Cancellations of court or depositions that do not give the evaluator three days notice are still charged the full amount of the deposit.

____ Risks

- A: Custody disputes are often filled with much negative emotion and a lack of compromise between the parents. Although the evaluator makes his recommendations based on the best interests of the children, the recommendations might be different than what one or even both parents want. When this happens, it can bring about a range of reactions from the parents, including but not limited to: Depression, hopelessness, anxiety, confusion, and/or anger. These feelings are normal, but tend to dissipate over time with the establishment of a consistent parenting plan and routine.
- B: Allegations of abuse, neglect, or substance use/abuse will be taken seriously and investigated. It can cause negative feeling to be accused by an alleging party. False allegations in these areas are a serious concern and reflect poorly on the alleging party.
- C: The report will contain personal information. The report is released to the respective attorneys, who will pass the report to their clients. Although it is strongly discouraged, in the past some parents have shared personal information from the report with others. Thus, it is possible that other people could share private information about you.

____ Summary

- A: I have read the above, and I agree to proceed with the custody evaluation under these conditions. I agree to pay the fees for which I am responsible and fulfill my obligation to complete the evaluation as ordered by the court. I understand that anything I reveal during this evaluation may be reported to the court. When in doubt, I may consult my attorney before disclosing any information, which I think may be harmful to my legal position. I have the right to share this document with my attorney before I sign it.

Parent Signature / Date

Evaluator Signature / Date

Initial Referral Parties and Child(ren) Involved in Case

Record the names and information of each party and of the attorneys involved this case.

CHILD(REN)

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name: _____

Address: _____

Phone: _____

Attorney: _____

Attorney Phone: _____

Name of presiding judge _____

Pretrial and Court Dates _____

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Consent for Psychological Services to Children

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of person giving consent: _____

Your relationship to the child: Parent Stepparent Grandparent Other

I, _____, am the legal custodial parent of the child(ren) listed above. I consent to the following psychological services for the child(ren) named above.

Some or all of the following may be used.

- Clinical Interview of the child(ren)
- Psychological testing of the child(ren)
- Parent Interviews
- Interviews of people from the reference list submitted by the parent
- Interview with physician
- Interview with stepparent or noncustodial parent
- Observations of the children

Signature of person giving consent

Date

Evaluator Signature

Date

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AUTHORIZATION TO RELEASE INFORMATION FOR MINOR CHILDREN

Authorization to release information on the minor child(ren) listed below is hereby given to _____, evaluator. This release is for all records regarding the identity, history, evaluation, testing, diagnosis and treatment of the minor child(ren) listed below. This request is made voluntarily for professional purposes. I can revoke this authorization by giving written notice to the evaluator. If not revoked, this form will be valid for one year from the date it is signed. A photocopy of this authorization will be as valid as the original.

<u>Child(ren)'s Name</u>	<u>Date of Birth</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of parent or guardian

Date

Signature of Evaluator

Date