

Child Custody Evaluation Policies, Procedures and Informed Consent

Nature of the evaluation

Child custody evaluations are comprehensive assessments of the child's needs, the ability of each parent to meet those needs, and areas in which each parent requires assistance or improved skills to meet the needs of the child(ren). The evaluation will follow the standards for "Parenting Evaluations" as articulated in Washington Administrative Code 246-924-445 and Guidelines for Child Custody Evaluations in Family Law Proceedings published by the American Psychological Association in December of 2010.

This is an evaluation for legal purposes and the primary concern will be the best interests of your child(ren). Dr. Freedman's role is as an independent evaluator to provide information to the court regarding this issue. Dr. Freedman's impressions and opinions may be unfavorable to your legal position. Dr. Freedman may make recommendations regarding your contact and involvement with the child(ren). This may include recommendations about a number of issues including the delegation of legal decision making for the child(ren), relocation issues, custody arrangements and parenting plans.

Lack of Confidentiality

In a court-ordered child custody evaluation there is no confidentiality as each party has the right to know the information upon which the court relies in making its decision. Since the evaluation is intended for use in a legal proceeding, the confidentiality of the evaluation and its results are determined by the rules of the jurisdiction in which the evaluation takes place. Because the evaluation is for forensic (legal) purposes and not for purposes of health care, the privacy protection of the Health Insurance Portability and Accountability Act (HIPAA) does not apply.

You may refuse to answer questions based on this lack of confidentiality. Nevertheless, it is best to approach any testing or interviews in an open and forthright manner. Children involved in the evaluation should not be told that they will be able to speak confidentially to Dr. Freedman. He will explain this lack of privacy to each child in age appropriate language. To protect children from the stress of the custody process, some level of confidentiality may be provided to children. Dr. Freedman will use his judgment on this point on a case-by-case basis.

Procedures

Child custody evaluations commonly take several weeks to complete. The evaluation and recommendations will not be provided until there has been an opportunity to interview each parent, review the psychological test results, conduct collateral interviews, observe parent/child(ren)

interactions, and fully review all relevant information. At that time, the written evaluation will be distributed to the attorneys. Evaluations will not be directly provided to the parties.

Dr. Freedman cannot be a resource to you or anyone else involved in the case for advice, therapy, or support. These activities conflict with his role as a non-partisan evaluator. If they believe it would be beneficial, parents and their children are encouraged to seek psychotherapy with another mental health professional. A referral for therapy will be provided upon request.

The following procedures are generally used in completing child custody evaluations:

Parent Interviews

Separate interviews will be conducted with each parent. Relevant life history is collected through interview and a mental status exam is used to gather information on mental health issues. A parenting interview will be conducted in which issues such as orientation to discipline, parenting strengths and challenges, and understanding of child needs will be assessed.

Depending on the nature of the case and the developmental levels of the child(ren), interviews with the child(ren) will also be conducted. Interviews with children will be recorded to insure accuracy.

Testing

Each parent will be administered tests of psychological function and self-report measures related to parenting. You may be asked to complete additional testing depending on the nature of the case. In some instances, Dr. Freedman will administer psychological tests to the child(ren) involved in the case.

Home Visit

Ideally, the child(dren) will be observed in each respective home environment on at least one occasion. It is preferable that the child(ren) be observed with the parent after being in that parent's care for several days prior to the visit.

Collateral Sources

Dr. Freedman will review printed collateral records, including relevant medical records, Child Protective Service records, criminal records, declarations, previous evaluations, other treatment records as well as relevant pleadings and legal records. To insure fair discovery, it is recommended that all materials be first submitted to your attorney to be entered into the court record before being forwarded to Dr. Freedman. The parties are welcome to submit other materials which may be relevant such as photographs, audio or video recordings, art work, emails, internet screen shots, newspaper clippings or phone records. Please provide copies as Dr. Freedman will retain any information as part of his permanent record and will not return the material. Please do not give Dr. Freedman anything that you have obtained illegally, and if you are in doubt, check with your attorney.

While Dr. Freedman appreciates the opportunity to review all relevant materials, please remember that the parties will be billed for the time needed to review them. In the event of a significant discrepancy between the parties in regards to the volume of materials submitted, the cost of material review may be allocated to the party who submitted those materials.

Dr. Freedman will also interview collateral sources who may provide information about the child(ren) in question as well as the parents' parenting skills, emotional stability, employment, education, etc. Parents are encouraged to submit the names and contact information of collateral sources who may provide relevant and reputable information.

If you have concerns about this process, you may express them to Dr. Freedman, to your attorney, or to the Washington State Board of Examiners of Psychologists.

Discontinuing Services

If your case is settled or the court orders that the evaluation process be stopped prior to completion of the evaluation, work will be stopped and unused fees refunded. Both sides will need to communicate that the matter has settled. If you decide to represent yourself during the course of the evaluation, the evaluation may be terminated prematurely.

The Written Report

When Dr. Freedman has obtained all relevant information from each parent, conducted the parent/child observations, interviewed the child(ren), completed any necessary testing, reviewed collateral records and completed collateral interviews, the written evaluation will be simultaneously distributed to each attorney. Copies of the evaluation will not be directly provided to the parties. Reports should be kept in a secure area and information in the report should not be shared with your child(ren).

Billing

There is an initial retainer fee for each evaluation of \$2500.00 that will be collected from each parent at time of scheduling. This is a credit balance against which fees will be charged. As the retainer is depleted Dr. Freedman will request additional funds to replenish the retainer. Work on the evaluation may be delayed if the retainer is not replenished in a timely manner. Unused payments will be refunded promptly at the close of the matter.

Dr. Freedman bills at \$200 per hour for all aspects of the evaluation except testimony and deposition. Charges will accrue for face-to-face contact, phone calls, test scoring/interpretation, consultation with lawyers and other professionals involved in the case, report preparation time, and review of any materials submitted. Time spent in preparation for trial is also billed at \$200 per hour. Testimony and deposition is billed at \$400 an hour. Four hours must be paid for in advance to reserve time for testimony or deposition. There will be a charge for any missed or canceled appointments where 24-hour notice is not given.

The cost of a custody evaluation is often high and difficult to predict. Costs vary widely with complexity of the issues, the number of children involved, and the degree of attorney and court involvements. Your charges may be considerably higher than the retainer and the balance must be paid on each side before the written report is released. For ethical reasons, Dr. Freedman cannot testify if one or both parties owe a balance on an invoice. This would leave open the question as to whether the financial situation had influenced his judgment.

Any unpaid bills will accrue interest at the rate of 1.5% per month. A \$50.00 surcharge will be assessed for any returned checks.

If travel requiring an overnight is necessary there is a per day minimum of 8 hours a day at Dr. Freedman's hourly rate of \$200. Airfare, hotel or other travel costs will be split equally between the parties.

Statement of Informed Consent

By signing below, I acknowledge that I was given this policy statement, that I had an opportunity to read it, to ask any questions, and to consult with my attorney. I voluntarily agree to participate in the evaluation as described above. I understand that as a result of the evaluation, the parenting plan or access to my children may change, and I may not be in agreement with the outcome of the evaluation or opinions. I understand that if I prefer not to complete the evaluation with Dr. Freedman, I can terminate the process or seek an appointment with a different evaluator. I am aware that I am responsible for any outstanding balance.

Signature

Date

Printed name