

Northeast Ohio Behavioral Health, Ltd.

Disclosure Statements for *Post-Decree* Evaluations Involving Custody/Visitation Matters

The following points need to be clearly understood prior to the start of the evaluation process. **Please initial the bottom of each page and sign the last page of this document. You will be given a copy for your records.** Please ask any questions regarding the meaning of these statements, as well as additional questions that may arise during the assessment process.

1. **Court-Ordered Nature of the Evaluation Process:** Northeast Ohio Behavioral Health, Ltd. only performs evaluations regarding child custody/visitation matters at the request of the Court. All parties must participate, including spouses or companions who are involved in parenting activities. **If one party does not choose to become involved in the assessment, the assessment may continue, but recommendations regarding child custody/companionship cannot be made. The examiner will seek consultation directly from the Court regarding this matter, and will follow the direction of the Court.**
2. **Documentation of Recommendations:** Custody/visitation evaluations are used by the Court to help in the determination of the best interests of the children. The evaluator is Court-appointed to complete the task of gathering information that can be used in this determination. A comprehensive report will be compiled after all interviews and testing procedures are completed. This report will contain recommendations regarding the resolution of the issues which prompted the request for the assessment, and the rationale for those recommendations. **No interim recommendations will be issued, either verbally, or in writing.**
3. **Limitations of Confidentiality in a Court-Ordered Assessment Process:** Dependent on the procedures mandated by the Family or Domestic Relations Court that has ordered the evaluation, you may be asked to sign Release of Information forms so that a copy of the report can be sent to the Court, as well as to your attorney, and the attorney employed by the opposing party. If a Guardian ad Litem has been assigned, a Release will be requested so that the Guardian ad Litem can also receive a copy of the report. If the Court requires that the report be submitted only to the attention of the Judge or Magistrate, the examiner will comply with this directive. However, the Court will typically make data from the report available to all legal counsel involved, and will require the evaluator to respond to a subpoena requesting the report. **When the report is sent to the Court, it becomes a public document. Thus, assurance of confidentiality is limited.**
4. **Evaluation Design:** Given the important issues that are to be addressed in the evaluation, a great deal of information must be gathered. This typically requires an interview process with each parent, as well as psychological testing. Children are typically interviewed individually, as well as observed in interaction with both of their parents, scheduled separately. These procedures are modified depending on the age of the children and their ability to participate in the evaluation. **The design of your particular evaluation will be determined according to your situation, and the evaluator reserves the right to make modifications as needed.**

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The evaluation design will be fully described in the final report. However, the following basic components of a Custody/Visitation Evaluation process are typical:

- **Adult Involvement:** Four to five interview sessions are conducted with each adult participant, with at least one of these sessions conducted, in part, with the child/children and the parent conjointly. During this conjoint session, parent-child interaction will be observed.
- **Child Involvement:** The extent of each child's participation in the evaluation process will be determined by the examiner, and will be based on the child's developmental level and needs assessed by the examiner. At a minimum, each school-age or preschool-age child will be seen for one assessment session with each parent, which will begin conjointly with the parent. If the examiner requires more time with a particular child to fully understand the child's needs, additional sessions will be scheduled. Any extra costs incurred by additional assessment sessions conducted with children will occur via written agreement with the parent that is responsible for those additional appointments.
- **Significant Others:** If an adult participant is involved in a relationship with a Significant Other that lives within the residence or otherwise functions as a regular adult caregiver or step-parent for the children, one interview session will be conducted conjointly with the adult and his/her significant other.
- **Psychological Testing of Adult Parties:** Psychological testing is conducted with each adult participant/party. Adult participants may schedule their testing session with NEOBH Support Staff. The administration of Psychological Testing does not require an office visit with the examiner, but must be completed in the NEOBH office setting. You will be asked to relinquish cell phones, and children may not be present. If someone must transport you to a test-taking appointment, that person will be asked to remain outside of the quiet area that you will be provided in order to complete Psychological Testing. **Psychological Testing is included in the Base Fee for the evaluation.**
- **Psychological Testing of Significant Others:** If the psychological testing of a significant other is **determined by the Court** to be essential to the assessment process, **an additional fee** will be charged. **Please see the Fee Schedule re: Fees for Psychological Testing of Additional Parties.** If the examiner has reason to believe that it may be helpful to the Court to have Psychological Testing data regarding an additional adult (i.e. a step-parent or live-in companion), the examiner will specifically request that the Court examine this option, and issue a separate Order that mandates the additional adult to engage in Psychological Testing.

- **Releases of Information:** At the start of the assessment process, each adult party will be asked to sign Releases of Information for the purposes of gathering data from outside sources that will assist the evaluation process. **The review of data that is requested by Release of Information, as well as any phone contacts conducted with professionals that is permitted via Release (i.e. the child’s mental health provider) is included in the Base Fee for the evaluation.**
- **Review of Additional Data Provided by Adult Parties:** Each adult participant is permitted bring in other data pertinent to the assessment process (i.e. calendars, journals, written logs, letters, videos, audio recordings, email communication, Facebook, text messages) that may help the examiner to understand the issues involved. *However, this additional data review is not included within the Base Fee. Additional data review is billed at 140.00 per hour (see Fee Schedule). The examiner reserves the right to limit the amount of data that can reasonably be reviewed. All data that is submitted for review (or received via Release of Information) will be listed in the completed report.*
- **Written Report:** The completed report is an extremely comprehensive document that will contain the data that is collected during the assessment process, including interview data, psychological test results, parent-child observation data, and collateral data received via Release of Information, etc. **The written report is produced at the conclusion of the assessment process, after all fees have been collected.**

Additional Details:

1. **Responsibility for Data Directly Provided to the Examiner by Parties:** The examiner is not responsible for the copying or retention of data that is provided by parties involved in a custody/visitation evaluation process. *Do not provide “originals” of any document, photograph, or recording.* Any data that is provided to the examiner will be destroyed at the point at which the evaluation is completed. By law, data that is not produced during the assessment process cannot be made a part of the Closed record, at the point at which an evaluation is completed. *NEOBH will scan all documents that are produced during the assessment process, and an electronic copy will be maintained of the chart that is compiled during the assessment process.*
2. **Letters Produced Regarding the Evaluation Process:** The examiner may need to respond to inquiries from Family Court Services/Family Court Liaisons and individual attorneys regarding the process of the evaluation, or regarding problems that have arisen during this process. In order to ensure the absolute clarity of this communication, it must be put in writing, and submitted to all parties (Court, Guardian ad Litem, legal counsel). NEOBH reserves the right to bill additional fees for this additional documentation. **Please see the Fee Schedule regarding additional fees for Letters. Fees will be assessed to the party whose situation/actions requires this written documentation, or may be divided between parties, dependent on circumstances.**

3. **Phone Calls from Legal Counsel - Documentation and Fees:** The examiner will respond to phone calls from legal counsel but must emphasize that given the expected neutrality of the examiner, **it will be necessary for the examiner to memorialize any communication in a subsequent Letter that will be sent to opposing counsel, the Guardian ad Litem and the Court.** *Please see the Fee Schedule regarding fees for Letters/Phone Calls.*
4. **Communication with the Guardian ad Litem, if Assigned:** Unless otherwise instructed by the Court, the examiner will, as the evaluation progresses, share information, including preliminary data, with the Guardian ad Litem. The Guardian ad Litem is the child(ren's) legal representative. As the nature of a Custody/Visitation Evaluation process pertains to questions regarding the best interests of children, data exchange with the Guardian ad Litem will be conducted. The Guardian ad Litem is empowered by the Court to receive any/all data the Guardian ad Litem may request.
5. **Allegations of Abuse/Neglect:** The examiner is a Mandated Reporter in the State of Ohio, and is obligated to report data that suggests that the abuse or neglect of the child is occurring. Similarly, the examiner is obligated to contact Child Protective Services if the examiner is provided with information that suggests that abuse\neglect may have taken place. If, in the course of the examiner's evaluation, a participant or collateral source provides data that, *if true*, would be descriptive of acts of abuse or neglect, the information provided must be reported to the proper authorities. The examiner's action in providing a report to Child Protective Services must not be interpreted as a display of support for the individual who has registered allegations of abuse\neglect. More importantly, it must not be inferred that the examiner's reporting of such allegations suggests that the examiner finds them credible.
6. **Outside-of-Session Contact:** Outside-of-Session contact (i.e. waiting room conversation, telephone calls, etc.) should be avoided. Phone contact should be limited to scheduling appointments and addressing other procedural matters. Information concerning matters pertinent to the evaluation itself should not be communicated by phone.
7. **Video or Audio Taping of Evaluation Sessions:** The examiner will not video or audio tape interview or observation sessions. **The examiner does not consent to video or audio taping during the evaluation process.** If the examiner believes that recordings are being made, the evaluation will be stopped until there is complete clarity regarding this issue.
8. **Cancelled or Failed (No Show) Appointments:** Court-Ordered evaluations are extensive procedures that must be completed within a specific time-frame. When the assessment process begins, session time is reserved in advance, toward the goal of completing the evaluation so that the written report can be utilized by the Court in scheduled hearing dates. **Cancelled or failed (No Show) appointments are not acceptable, and will be billed, per Fee Schedule.** Please make certain that you are able to attend any appointment that you schedule.
9. **NEOBH and the Examiner are not responsible for circumstances that may affect your custody situation:** It is assumed that the evaluation has been ordered by the Court, and that a completed assessment is expected by the Court. **NEOBH cannot refund fees for services that have been rendered** in the event your legal dispute changes in focus or resolves.

- 10. Custody/Visitation Evaluations as a Self-Pay Service:** A Court-Ordered evaluation for the purposes of offering recommendations regarding custody/visitation matters is not considered a “medically necessary” service by most insurance companies. It is not performed in relation to a diagnosable mental health condition, and treatment is not being provided. **Therefore, NEOBH cannot accept any insurance coverage for payment of fees associated with custody/visitation evaluations.**
- 11. Return of Fees:** Certain circumstances (such as a settlement) may make it unnecessary for the examiner to perform services for which fees have already been paid (i.e. the written evaluation report). Under such circumstances, fees paid in advance will be refunded. However, no refunds will be made until the examiner has been formally notified, either by the Court or by the legal counsel for both parties, that it is the position of all involved that the task requested from the examiner has been completed, that no further services will be requested, and that the examiner is discharged. Upon receipt of such formal notice, a final account statement will be prepared. Any funds owed to the financially responsible party/parties will accompany the final account statement. If an evaluation process has not begun, fees for time/services rendered in attempts to commence the evaluation (such as document review, letters, etc.) will be subtracted from any retainer fee paid, and the balance will be refunded.
- 12. Use of Evaluation Data by the Court:** Disputes related to custody/visitation matters are not necessarily resolved via the issuance of the evaluation report. Although the information provided and the opinions expressed are intended to assist the Court, the Court may reject all or portions of the information provided. The Court may also reject the opinions that are offered. Additionally, (though this is far less likely to occur), the possibility exists that, even after the examiner has completed a thorough assessment of the issues, the examiner may not be able to offer opinions on the issues in dispute, with a reasonable degree of professional certainty.
- 13. The Role of the Examiner:** Reasonable steps are taken to minimize the distress associated with an evaluation process that focuses on child custody/visitation. Although many situations resolve without the need for a Court trial, the examiner must assume that a trial will occur, and must conduct the evaluation process accordingly. This means that information that you will provide will be questioned via an extensive interview process. It may be necessary for the examiner to carefully structure the interviews, so that important pieces of data are collected and understood by the examiner. In order to perform the examiner's Court-ordered function, the examiner must act in the role of assessor. **The examiner is not a therapist within the context of a Court-ordered evaluation process, and cannot respond to emergencies. The examiner cannot ethically act as a therapist to anyone involved in the evaluation process, following the conclusion of the evaluation process.**
- 14. Post-Evaluation Developments:** Following the conclusion of the basic components of the evaluation process (interview sessions, parent-child observation and Psychological Testing), the examiner will take reasonable steps to avoid further contact. **No substantive response can be provided to letters, faxes, e-mails or phone messages related to events that occur after the evaluation process has been concluded. However, if a trial has been scheduled, and either party feels that new information should be considered by the examiner, this will be done if a formal request is made by both attorneys, and/or is ordered by the Court.** Additional

consideration will be provided only if each party is afforded an opportunity to present his/her perspective on the additional information.

15. **Post-Evaluation Activities in Response to Post-Evaluation Developments:** Fees for additional session(s), new data review and updated written documentation of results (usually, an Addendum to the completed report) will be outlined by the examiner, in writing, to all parties, before any post-evaluation data review, interview sessions or report Addendum, takes place. **Fees will be determined on a case-by-case basis.**
16. **Release of Report to Counselors, etc.:** The completed report contains information regarding both parties, and is an extremely sensitive document. Therefore, the examiner cannot respond to a request from one party that the report be sent to his/her counselor, etc. In some jurisdictions, the Court (i.e. Summit County Domestic Relations Court) may prohibit any further dissemination of the report, and will carefully protect this document, regardless of Releases of Information that may be signed by both parties. If the Court does not provide such protection of the report, the examiner will not release the report unless the examiner is in receipt of Releases of Information signed by both parties. However, if the examiner believes that it would be beneficial for another professional to have access to the report (such as a counselor that may be working with the children regarding divorce-related concerns), the examiner will specifically make a recommendation that the Court consider ordering *both* parents to provide the examiner with a Release of Information, so that the Custody\Visitation Evaluation report can be disseminated to the appropriate professional.
17. **Second-Opinion Reviews:** The examiner's entire file will be made available to any consultants that are retained for the purpose of conducting a review. However, this will occur with one exception: Mental health professionals who are related to, or involved in social or professional relationships, should not offer their services, either as evaluators or as reviewers. If the examiner is in receipt of information that suggests that such efforts to obtain data regarding the evaluation is occurring in this fashion, the examiner will make it clear that the examiner's file will be released only in response to a Court Order.
18. **Final Report Submission:** Ordinarily, Judges\Magistrates who have Ordered that Custody\Visitation Evaluations be performed, expect to have reports completed and submitted prior to the commencement of the trial. Legal counsel also need to have access to the completed written report, in order to prepare for Court hearings. **Please consult with your attorney regarding Court Hearing Dates that will require the completion of the report in order to accomplish decision-making regarding custody\visitation matters. Please convey information about Court Dates to the examiner as soon as possible.**

The Examiner's Involvement in Court Proceedings:

If there is a trial and you should request that the examiner testify, the examiner is obligated to maintain impartiality, as well as openness to new information throughout the course of the evaluation and during the trial. It is not the examiner's obligation to defend the precision of facts reported, the accuracy of data interpretations made, or the validity of opinions offered in the face of newly introduced information that might reasonably call them into question.

If the examiner is called to testify, the testimony offered will explain and support the contents of the examiner's report. The examiner is not an advocate for the person who seeks the examiner's testimony, and is ethically obligated to offer any/all pertinent information that might be of assistance to the Court. Opinions expressed within the written report will be formulated on the basis of information that was provided to the examiner during the evaluation process, and prior to the day on which the report was prepared.

Court time is billed separately in the event that Court testimony is required. Court time is billed at \$2000.00 per day (inclusive of travel time) with a retainer of \$1000.00. This must be received Two Weeks prior to the Court hearing date.

If Court time is scheduled, but does not occur for some reason, ½ of the retainer (\$1000.00) shall be promptly refunded. The examiner shall reserve the time to attend a Court hearing. Please make sure that a Court appearance by the examiner is absolutely necessary. NEOBH has no control over what may/may not occur, once the examiner's time out of the office to attend a Court appearance is reserved.

Fee Schedule for Post-Decree Court-Ordered Evaluations Concerning Child Custody/Visitation:

| Service | Fee | Additional Notes |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Base Fee | 3800.00 per Parent [Retainer: \$1900.00 Submitted prior to scheduling first appointment.] Cancel/No Show: 140.00 | Fee Includes: <ul style="list-style-type: none"> • 4-5 interviews with the parent, including live-in Significant Other or step-parent interview, if applicable • Parent-Child Observation/Interview • Psychological Testing • Review of data obtained via Release of Information • Comprehensive Report |
| Additional Sessions (by Request/Specific Agreement) | 140.00 | |
| Review of Documents Presented by an Adult Participant | 140.00 per hour | |
| Psychological Testing – Additional Adult, per Court Order, only | 180.00 | Psychological Testing of step-parents, live-in companions may be Ordered by the Court |
| Letters/Phone Calls | 100.00 per hour | Letters may be requested to address issues regarding the process of the evaluation and any problems related to its completion. |

The written report will not be compiled by the examiner-- or released to the Court or any other designated parties -- until all fees have been collected.

Final payment of fees is expected no less than one (1) month prior to the expected Due Date of the report.

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I have been given a copy of NEOBH Disclosure Statements Regarding Post-Decree Evaluations Involving Custody/Visitation Matters. I understand that I may ask any questions about these statements, or the evaluation process, as the assessment progresses.

Client

Date

Witness

Date

Post-Decree Disclosure Statement DC 7-18

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