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## **CHILD CUSTODY AND PARENT TIME EVALUATION INFORMED CONSENT FORM**

**If you have trouble reading or understanding this or any other document, let Dr. King know and plans will be made for this and other documents to be read to you or translated for you.**

### General Information

The purpose of custody evaluations is to investigate the children's needs and the ability and propensity of each party to meet those needs. This information is used by the parties and the Court to make decisions regarding custody and parent time arrangements which are in the children's best interest.

Custody evaluations include several hours of interviewing for each adult. Children and adolescents may also be interviewed. Frequently, psychological tests are administered. Home visits and observations of parent-child interactions are conducted. With the permission of the parties, information may be requested from such persons as employers and acquaintances of the parties, the children's teachers, and from state and federal agencies that may have relevant information.

When the evaluation is complete, a Settlement Conference is scheduled. Conference participants include the commissioner or judge, the evaluator, all attorneys, and the adult parties. The conference is designed to reduce the time and expense of preparing a lengthy written report, disclose findings in a less adversarial manner which may be less detrimental to family relationships, and allow the parties a final opportunity to participate in the fashioning of an agreement. It allows the parties to benefit from the insights of the evaluator while still experiencing a sense of control over decisions.

At the conference, the evaluator gives an oral presentation of findings. The attorneys and parties are given an opportunity to discuss whether a settlement is possible at that time or may be possible after further negotiations. Before the conference is concluded, the commissioner or judge will determine whether the evaluator should also present her recommendations. If a written report is desired, the evaluator must be notified.

### Best Interest of the Child Standard

This evaluator employs what is known as the "best interest of the child" standard. This means any recommendations made by the evaluator will be based on the best interests of the children. An initial referral to this evaluator by either attorney or party, or a preliminary conversation between this evaluator and either attorney or party, does not mean the evaluator was retained by that party or was retained to advance that party's interest. Fee related matters will not influence this evaluator's recommendations.

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In making recommendations based on the children's best interest, the evaluator will analyze each parent's and stepparent's ability to meet the needs of the children according to criteria in *Rule 4-903* and accepted mental health standards, including the American Psychological Association's *Guidelines for Child Custody Evaluations in Divorce Proceedings*.

#### Areas of Focus

In addition to any factors specifically outlined in the order for the evaluation, the evaluator must address each child's needs and the unique manner in which each party's skills fit the children's needs. The evaluator must address such factors as each party's parenting skills, impairments, availability, and willingness to facilitate the children's relationship with the other parent.

Evaluators must consider and respond to each of the following factors outlined in *Rule 4-903*: 1) the child's preference; 2) the benefit of keeping siblings together; 3) the relative strength of the child's bond with one or both of the prospective custodians; 4) the general interest in continuing previously determined custody arrangements where the child is happy and well adjusted; 5) factors relating to the prospective custodians' character or status or their capacity or willingness to function as parents, including: moral character and emotional stability; duration and depth of desire for custody; ability to provide personal rather than surrogate care; significant impairment of ability to function as a parent through drug abuse, excessive drinking or other causes; reasons for having relinquished custody in the past; religious compatibility with the child; kinship, including in extraordinary circumstances stepparent status; financial condition; and evidence of abuse of the subject child, another child, or spouse; and 6) any other factors deemed important by the evaluator, the parties, or the court.

#### Avoiding Conflicts of Interest

If you are familiar with Dr. King from any other setting and have reason to believe a conflict of interest exists, please call this to Dr. King's attention immediately. If a conflict appears to be present, Dr. King will remove herself from the evaluation unless all parties involved decide to waive the potential conflict and Dr. King receives written confirmation of that waiver.

#### Confidentiality

Privileged communication can not be claimed where the person is examined by a psychologist pursuant to court order or when it has otherwise been agreed in advance the evaluation findings will be shared with the Court and each party's attorney. *Rule 4-903* states that every order requiring the performance of a custody evaluation shall restrict disclosure of the evaluation's findings or recommendations and privileged information obtained except in the context of the subject litigation or other proceedings as deemed necessary by the Court.

**All parties should be aware any and all information gathered, including test results, interview notes, and any records submitted by the parties for review may ultimately be reviewed by the Court, either party's attorney, and other persons the Court or the attorneys deem appropriate. This includes information gathered from and about the parties themselves as well as any other persons, e.g., spouses or partners, children, collateral witnesses, or other service providers including therapists, who are evaluated, interviewed, or who provide records.**

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There are situations in which Dr. King is required to reveal information to persons or agencies other than the court and each party's attorney based on state law. Those situations include but may not be limited to:

*If Dr. King has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or Dr. King observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, she must immediately notify the nearest peace officer, law enforcement agency, or the Office of the Utah Division of Child and Family Services.*

*If Dr. King has reason to believe that a vulnerable adult (defined below) is suffering from abuse, neglect, abandonment or exploitation, she is required by law to make a report to either the Utah Adult Protective Services intake, or the nearest law enforcement agency as soon as she becomes aware of the situation.*

*A "vulnerable adult" means an elder adult, or an adult who has a mental or physical impairment which substantially affects his or her ability to: (a) provide personal protection; (b) provide necessities such as food, shelter, clothing, or mental or other health care; (c) obtain services necessary for health, safety, or welfare; (d) carry out the activities of daily living; (e) manage his or her own resources; or (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, abandonment or exploitation.*

*If you file a lawsuit or a complaint against Dr. King with the Utah Division of Occupational and Professional Licensing, she may disclose information from your records relevant to the suit or complaint.*

*If you communicate to Dr. King an explicit threat to kill or inflict serious bodily injury upon a reasonably identifiable person, and you have the apparent intent and ability to carry out that threat, she has the legal duty to take reasonable precautions. These precautions may include disclosing relevant information from your mental health records which is essential to protect the rights and safety of others. She also has such a duty if you have a history of physical violence of which she is aware and she has reason to believe there is a clear and imminent danger that you will attempt to kill or inflict serious bodily injury upon a reasonably identifiable person.*

*If a communicable disease is reported to her, Dr. King is required to report that disease to the Utah State Department of Health. Reportable communicable diseases include, but are not limited to: AIDS, Hepatitis, Sexually Transmitted Diseases, and Smallpox.*

### Payment

Responsibility for payment is either agreed on by the parties through their attorneys or is placed on one or both parties by the Court. The cost of the evaluation is a fee quoted in advance. Full payment of the fee must be received before the evaluation will be started. If issues are resolved prior to the completion of the evaluation, fees paid are non-refundable. Custody evaluations are not reimbursable as a mental health service under traditional insurance plans.

Fees are based on the number of adults and children to be evaluated, i.e., the number of adults and children directly involved. Those directly involved typically include the parties and the children about whom custody and co-parenting decisions are to be made. When there is a stepparent or a significant other person involved with one or both of the parties, those persons will be viewed as being directly involved and will also be evaluated. Information will also be gathered on other children living in the homes. Conversely, extended family members such as grandparents would not be seen as being

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directly involved and would not be evaluated, provided they are not living in the home. Attempts should be made to determine in advance the number of persons who are directly involved and who should, therefore, be evaluated. After the evaluation is initiated, if it becomes apparent there is a significant other person who should be evaluated but was not identified, the cost for evaluating that additional person will be added to the cost of the evaluation. This amount must be paid before the Settlement Conference.

There may be additional costs that accrue after the evaluation has been initiated. While review of documents such as prior motions, affidavits, and orders is covered in the basic fee, there will be additional charges for requested reviews of documents or material judged to be in excess of the amount or type typically reviewed, including such things as journals and audio/video recordings. This amount must be paid before the Settlement Conference. The cost of appearing in court for the Settlement Conference is included in the basic fee. There will be a separate charge for the evaluator to appear in court or other place specified in a subpoena. The minimum charge for a subpoenaed appearance must be paid in advance of the appearance.

### Informed Consent

Before signing this form, you are urged to discuss the information presented with your attorney and to ask Dr. King for clarification of any content that is unclear or about which you have concerns. Your signature below indicates you have read, understood to your satisfaction, and agreed to the information and conditions set forth in this consent form. Your signature indicates you give your consent for the evaluation of yourself and your children. You release Dr. King from any damages of or resulting from her undertaking of this evaluation. You agree she shall be immune from civil litigation so long as her procedures are found to be consistent with the standards of practice in effect at the time of the evaluation.

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Printed Name

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Signature

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Date

07/09