**INFORMED CONSENT TO PARTICIPATE IN CUSTODY EVALUATION**

**Introduction:** Before beginning your custody evaluation, it is important that you understand the process. Please review the information below and discuss with your attorney as needed. During the initial appointment we will discuss the evaluation process described here and you can ask any questions you have.

The custody evaluation will be performed by Melanie Torno, MS LPC-MH QMHP, a court approved custody evaluator named in the current court order for custody evaluation. Additional information can regarding credentials can be found at [www.tornommhs.com](http://www.tornommhs.com).

**Fees:** The hourly rate for individual and family interviews, home visit, case review, and other non court related items will be at the rate of $175 per hour. The hourly rate for hours related to preparing for court testimony and expert testimony will be at the rate of $275 per hour. A nonrefundable retainer of $5000 is required prior to scheduling the initial interviews and a request for additional money will occur when the balance reaches less than $500.

**Scheduling:** There will be several appointments that you will schedule over the next several weeks/months, including a home visit in both homes with the child(ren) present. It is very important that you try to make yourself and your children available for appointments as early as possible and avoid cancellations, because rescheduling may cause a serious delay. There may be other reasons for a delay in producing the report including the need for more extensive investigation, unanticipated personal or occupational interruptions in the parties’ or the evaluator’s schedules, or previously planned absences (such as scheduled vacations).

**Overview of Evaluation Process:** Please understand that my role as an evaluator is different from a psychotherapist. I am the court’s neutral expert. My role is to investigate and assess psychological issues, using a number of different methods in accordance with court guidelines. I gather information and provide the results, along with my opinion and recommendations, to the judge in your case, to the attorneys, and to you. People involved in custody evaluations often experience stress and there may be ongoing problems involving children. I will not be able to provide you with therapy or advice or intervene in personal crises or conflicts during the evaluation. If there is a life- threatening emergency during the evaluation, you should call the local police or 911. I could have a conference call with your attorneys to discuss whether you may want to see a therapist during the evaluation.

A custody evaluation involves getting information from different types of sources over a specified period of time. There is a tension between being thorough versus containing costs and time. I will talk to you about the process along the way, but I am supposed to make final decisions about procedures. Hopefully, your evaluation will have enough information from different sources that it can be used to make a decision about your children and your family can move forward.

**Confidentiality:** Since an evaluation is not psychotherapy, there is no psychotherapist-client privilege and the rules for protecting your confidentiality in healthcare and mental healthcare settings do not apply. The report and file in this case are “sealed court documents” only to be used in this family law case, according to the stipulation that you signed. This means that I will not provide the report to anyone except the court and the attorneys of record (or to you directly if you represent yourself). No one else should have access to the report or to the file except by court order. Children should not see the report. In order to protect your confidentiality, I advise you to leave the report in your attorney’s office. It has confidential information about both parties and the children, and you should not show it to others.

I may discuss the case with professional colleagues, without revealing identifying information, in order to promote careful and neutral analysis of results and appropriate recommendations. I will not reveal identifying information about this case to others except for the collaterals contacted as named in the report, the office staff who assist me with procedures and preparation of the report, consultants on the case as named in the report and, in some cases where I am required to make suspected child abuse reports or reports regarding danger to self or others, to child protective service or law enforcement officials. I may recommend in the report that psychotherapists review the report to understand goals of treatment and then return it to attorneys in order to protect your confidentiality.

In most cases, I include children’s statements in my report. When I meet with children, I inform them that I will be helping their mother and father make plans for how they are going to take care of them and how much time they will spend with each parent and that I need to find out how children think and feel to make a good plan. I tell them I write a report that the parents will read. If children tell me they are worried about parents knowing what they say, if a parent is worried that a child is pressured, or if I believe a child appears unusually distressed, I will discuss with the court the option of the children’s statements to be included as an attachment that only the judge and attorneys read.

**Written Materials:** You can prepare for the evaluation by organizing written materials. You will receive a History Questionnaire and a Parenting Questionnaire. Please complete it and return it prior to the scheduled home visit.

Any written materials (called ancillary materials) you or your attorney provide me, and your questionnaire, should also be provided to the other party’s attorney (or if they are materials already exchanged, notice of what has been provided to the evaluator should be sent to the other party’s attorney). Usually I do not accept written materials submitted after the home visit. In order to contain costs, I read most ancillary material in detail once at the end of the evaluation while preparing for report of results. If there are particular documents you wish me to be aware of while I am conducting interviews, please bring this to my attention during one of our meetings.

Please provide me with the following materials: your children’s most recent school report cards, all court orders for custody, restraining orders (if any). If there has been involvement by Child Protection Services (CPS) or police departments, or if there have been any criminal hearings, or any psychiatric hospitalizations, please plan to sign a release of information that will accompany the court order to these organizations.

**Appointments:** These are the standard appointments that will be scheduled during the course of the evaluation, but may include other appointments as well.

• Initial individual interviews with each party regarding their requests to the court, issues and concerns. There will be additional interview with stepparents, if applicable.

• Separate interaction sessions with each party and the children. (The party who had custody of the children the previous night has the first interaction session.)

* Individual interview/assessment of each child.
* These are the usual follow-up appointments:
* Each party has at least one more individual interview. If more are scheduled, I
attempt to equalize time with each party or give each party the opportunity for equal time. If you wish to communicate more information after a session, give me information about events that happen during the time of the evaluation, or bring up issues that you believe require further sessions, please email or call to set up additional sessions. Please refrain from lengthy phone messages, as all communication must be in written form for the file.
* Each party may come (on different days) with all members of his or her
household including children at issue, step-parents, step-siblings or half-siblings, and other people who live in the home.
* Children are interviewed/assessed individually after each parent’s interaction sessions.
* Individual interviews with step-parents and other household members. (If step- children or half-siblings are part of interaction sessions, you must get signed consent from the other legal custodial parent for them to participate in the session.) .

Some of the appointments may call for both parties to be present in my office at the same time, but those appointments can be done in different ways if either party has concerns about safety. Please contact my office if there are restraining orders or concerns about safety. The parties may be asked to arrive at different times on the first day of appointments and to use separate waiting rooms.

**Psychological Testing:** Each party will be asked to do some psychological testing by a selected psychologist by the evaluator. Psychological testing is used as a check (or second opinion) on my interview with parties in regard to psychological issues parties may bring up about each other. In addition, psychological testing gives information about a person’s likely interpersonal behavior and the way they think, which pertains to parenting.

**Third Parties:** I will do telephone interviews with third-party “collaterals,” people who have information about the family. You have been provided a form to organize contact information for collaterals, but I may add collaterals during the evaluation. I may interview or get written information from children’s teachers, and, if applicable, day care providers, and psychotherapists, family therapists, marital therapists, CPS workers. Other collaterals depend on issues in the case. I will discuss collaterals with you, but the final determination will depend on trying to get needed information from neutral collaterals or the most balanced list of collaterals as possible. I cannot guarantee that you will be informed in advance about collaterals that will be interviewed. If there are people you strongly feel should have input in the evaluation, you may want to provide a letter from them (considered ancillary material), as I cannot guarantee everyone you request will be interviewed. Please be aware that some people may not make themselves available for interview or there may be logistical problems that prevent the interview. As part of the stipulation you signed for the evaluation, you gave permission for me to interview those whom I deem necessary. You will be asked to sign forms that show your consent to be interviewed. These forms can, in turn, be sent to the people interviewed as collaterals.

If you are remarried, or have a significant other who spends significant time with the children, I prefer to have an individual appointment with that person, and I must see them in interaction with the child during the home visit. I may conduct joint appointments with significant others who spend little time around the children. If there are issues raised in the evaluation concerning another person’s interaction with the children, I will ask that person to consent to be evaluated along with the parties in the case. Otherwise that person is treated as a collateral.

**Home Visits and Other Issues:** Home visits in both homes will be completed. The home visits will occur approximately the same time of day in both homes and all family members living in the home are asked to be present. Home visits will be scheduled when individual appointments are completed.

**Reporting Results:** The end result of the evaluation process is a written form of reporting results after all fees are paid. You will receive a final bill before the results are released. The report is released simultaneously to the judge and the two attorneys.

**After the Report:** I will not communicate separately with you or your attorney after the report has been issued so that I preserve my role as the court’s neutral expert witness. If you have complaints about the evaluation, you have the right to go to the Family Law Court and present your position to the judge. Your attorney can subpoena the file and the custody evaluator to testify in court if a settlement is not agreed upon after receiving the report.

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I have read and understand this description of the custody evaluation procedures.

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