

# 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 with your attorney. I ask for you to bring this form with your attorney's signature and yours to your first appointment. When we meet, we will discuss the evaluation process described here and you can ask any questions you have.

Please review the stipulation your attorney and you have already signed. It covers fee arrangements and other issues, in addition to what is described below.

My curriculum vitae describes my education, professional experience, and membership in professional organizations and is available at our web site ([www.lundstrachan.com](http://www.lundstrachan.com)). I am performing your evaluation as an independent clinical psychologist licensed in California, under the auspices of the Board of Psychology (800-633-2322).

**Scheduling:** My office will probably schedule a number of appointments with you in advance of our first meeting. This is done in order to try to complete the evaluation in a given time frame. I try to provide the evaluation results and recommendations approximately ten (10) to twelve (12) weeks from the time of the first appointment. Because I may already be committed to other cases, I cannot begin a new case until there is an opening in my schedule. Please consult with your attorney about the court date for which the evaluation report is needed to see if it needs to be continued.

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 summer 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 talk to the parents about signing a Waiver of Access to Children’s Statements. If both parents sign the waiver, the children’s statements are included as an attachment that only the judge and attorneys read.

**Written Materials:** You can prepare for the evaluation by organizing written materials. You have been mailed a Detailed History Questionnaire. Please complete it and bring it to your first appointment. You should send a copy to your attorney, who should provide a copy to the opposing attorney within one week of the first evaluation appointment.

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 more than six weeks after the first appointment for the evaluation. 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, the court orders for custody, restraining orders (if any). If there has been involvement by Department of Children and Family Services (DCFS) or police departments, or if there have been any criminal hearings, or any psychiatric hospitalizations, please arrange with your attorney to obtain those records and provide them to me.

**Appointments:** In most cases, I schedule the following appointments on the first day of evaluation:

- Orientation to procedures with both parties. (If children are brought to my office for the orientation with both parties, please bring another person to watch the children.)
- Initial individual interviews with each party regarding their requests to the court, issues and concerns.
- 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. (I usually give children some psychological tests/interview aids concerning family relationships and children's psychological issues.)

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 write or fax me. Do not leave lengthy phone messages, as all communication must be in written form for the file.
- Each party comes (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. (The adults will need to sign our consent forms to participate.)
- 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.)
- Conjoint interviews with both parties together (or in some cases a conference call with both parties).

Some of the appointments 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. I do conduct an interview with both parents together, but this can be done by phone if there are safety concerns. If necessary, more security procedures can be provided.

**Psychological Testing:** Each party will be asked to do some psychological testing, including the Minnesota Multiphasic Personality Inventory-2 (MMPI-2). 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. Sometimes I refer individuals to another psychologist for more extensive testing.

**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 usually interview between four and eight collaterals. I usually interview or get written information from children's teachers, and, if applicable, day care providers, and psychotherapists, family therapists, marital therapists, DCFS 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. I may do phone 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:** Other procedures may be used in the evaluation (please refer to the signed stipulation). Home visits may be done, depending on the issues in the case and either party's desire that one be done. If a home visit is scheduled, please ask about what will be expected of you. I may use consultants for other procedures or to provide needed information on issues in the evaluation.

**Reporting Results:** The end result of the evaluation process is some form of reporting results after all fees are paid. You will receive a final bill before the results are released. In many cases, I do an oral reporting of the details of results and a brief report with a summary discussion of results and my analysis with very detailed recommendations. The parties and their attorneys meet with me, separately review the brief written report, and come back together for questions and/or an oral presentation of details of results by me. The file with all notes is there for inspection. Either party can afterward request that the details of results are provided in a written report. In some cases I write a full written report and do not meet with the parties and attorneys. 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 have another expert review the report and the file. You can bring me to deposition or to the hearing in the case (please see stipulation for fee arrangements).

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

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Signed

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Print Name

\_\_\_\_\_  
Date