

EASTSIDE MEDIATION AND MENTAL HEALTH

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GAL Investigation, Parenting Evaluation Contract & Informed Consent

I believe that it is in a family's best interest to develop their own post-divorce parenting arrangements whenever possible. I become part of the process when a family's own attempts at resolving these issues have reached an impasse. When that occurs, or when the judge orders a parenting evaluation, I am asked to assist the attorneys or the judge in determining the parenting plan which is in your child's best interests. It is my belief, and research shows, that it is best for the children when parents can agree on parenting arrangements and **my evaluations are designed to promote resolution of conflicts in this area.**

A. Evaluation Procedures

In order to do a thorough evaluation, I will need to know information about each of you. I will be asking you to fill out a comprehensive form regarding yourself, your perceptions of the other parent, and your children. The evaluation includes appointments with both parents, your children and perhaps other significant adults in your child's life. The interviews may be individual and / or in any combinations and as often as necessary for the purpose of the evaluation. I might do home visits in your evaluation. In general, I do them when one or more of your children are under the age of six, or there are specific issues which can only be answered via the observations of a home visit. In addition to the time I spend with all of you, I generally administer a parenting / bonding assessment and parenting questionnaires as part of my evaluation. Psychological testing is sometimes required as well. I will ask you to sign a release of information form which will provide me with access to medical, school, legal and other professional information. These releases will give permission to others to provide necessary information to me. All of these steps are designed to give me a complete understanding of you and your family.

During the evaluation, it is common for parents to ask me for advice, or to give interim recommendations. My purpose during the evaluation is only to evaluate. Until I am done, I cannot give advice, or provide interim recommendations, since I don't have all of the data regarding your family. On rare occasions, I might give a brief, limited, short term recommendation and then evaluate your ability to follow through with the suggestion, or its impact on the children.

I like to inform parents that you are unlikely to know what I am thinking during the course of the evaluation. I discourage parents from reading into my questions, since they are only designed to give me information and not to give parents a

sense of what I am likely to recommend. While I will not be able to discuss my thoughts during the evaluation, I try to be very clear in my recommendations and to explain why I believe those recommendations are in your child's best interest when the evaluation is over.

Initial _____

You enter this agreement by agreeing that none of the records gathered in this case will be released to either party until the evaluation is completed. At that time, the attorneys of the parties may review, and have copied, any of the records. Psychological test data cannot be copied. The psychological test data must be released only to another psychologist. At the end of the evaluation, a written report with specific recommendations will be provided to you and your attorney.

You enter into this evaluation process by waiving confidentiality and releasing Darcia C. Tudor JD, LMHC, CWM. from any and all liability for damages that might result from the release of information. You do so fully recognizing that the evaluator's impressions, statements, reports, testimony, and other actions might be adverse and detrimental to you personally, financially, and to your legal position. I shall consider each child's interests ahead of any adult's interests. Anything discussed between any child and the evaluator shall remain confidential at the evaluator's sole discretion, unless a court of law determines otherwise.

Initial _____

Collateral Sources

Many parents ask about my policy regarding collateral contacts. I will generally phone those professionals with whom you have worked and who can give me the necessary information about you or your children. Generally those collateral sources might include teachers, childcare providers, law enforcement, pediatricians and other medical doctors, and therapists. I can also include others as well. If you have been ordered to participate in drug testing, or anger management treatment, I will likely be in contact with those sources as well. It is not always possible for me to contact every collateral contact suggested. If you have one or two sources that you believe are crucial to my evaluation, please let me know. Please note that I will inform sources that the content of all interviews may be included in my written evaluation report, and I may be required to testify about these contacts in Court.

It is rare for me to interview friends or relatives, each of whom is often partial to one of the parents. I encourage you to get letters from those that you believe might have pertinent information. I will reserve the right to contact any of those persons if I need clarification of written information provided to me.

Initial _____

Confidentiality

Many parents ask about confidentiality in a parenting evaluation. Quite simply, within the process, there is no confidentiality. I may share information that one parent tells me with the other parent or ask one of you questions about what I hear from a child, parent, or any collateral source. I may ask your children about things I hear from either of you. I will inform your children that their statements to me may not be confidential, though I may inform you, your attorneys and the Court if I believe it is in your child's best interest to protect that confidentiality. The reason that there is no confidentiality is to protect your due process rights and to ensure that I can clarify all issues and gather necessary information for my evaluation and recommendations. In addition, it is understood that I will be providing the Court and the attorneys, with a written report regarding the parenting evaluation.

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Please note that Washington state law requires reporting to the appropriate agencies in cases where there is reasonable suspicion of child abuse, elder abuse, stated intention to injure another person and / or imminent danger of harming yourself or inability to care of yourself.

Initial _____

Both attorneys and parents are invited to send me any written materials that they think might be useful. Please do not give me originals and please note that I do not make copies of this material for your attorneys or for the other side. Also please note that the court order appointing me as your evaluator requires that copies of any materials sent to me must also be provided to the other parent and his / her attorney.

Initial _____

B. Fees

My fee for conducting this evaluation is based on an hourly rate of \$175. This fee covers all interview time, home visits, phone contacts, reviewing of written materials, scoring testing and parenting inventories, writing the evaluation report, testifying in court, travel, and any other time spent in association with the evaluation. A deposit of a \$4,000 retainer is generally due from each parent, upon the first session, unless other arrangements have been made. A retainer of \$2,000 is required 45 days prior to trial dates that I am required to testify at. Any unused portion will be refunded to you, provided that there is no unpaid balance due. The percentage of the fee paid by each parent is determined by your court order or by

mutual agreement. Full payment of any outstanding payment must be made prior to the filing of any written report. If full payment is not received by that time, the evaluation process will be halted and will not continue until all fees are paid.

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At least 48 hours notice is required to cancel or reschedule an appointment without being charged. Without 48 hours notice, the parent who misses the appointment will be billed at the hourly rate. If both parents miss the appointment, each will be responsible for their portion. Excessive missed appointments could result in termination of the evaluation with a notification to the court.

Initial _____

The cost of providing an opportunity for your lawyer to review the records, answering interrogatories, and providing testimony at a deposition or in court is often high and difficult to predict. I will charge an additional fee (at the rate of \$175 per hour) for record review, responding to interrogatories or providing deposition or court testimony. (Copying of the file will be done at a professional copy service, and their fees will also be the requesting parties responsibility). Such a fee will include all travel, waiting and professional service. The cost varies widely with the number and complexity of the issues, the number of children involved, and the degree of attorney and court involvement. An estimate of the time involved will be given and payment is expected before the evaluator will engage in any of these additional services.

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In addition, if I should believe that it is necessary to obtain legal consultation or representation to defend my actions as evaluator in your legal matter or collect any unpaid fees, the party initiating the action which requires my obtaining counsel, will be required to pay those legal fees incurred. This includes any appearances in Court that I / or my attorney or required to make. This is a rare occurrence, and usually happens when one party is upset about the recommendations made in my report.

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If a settlement agreement is reached prior to the onset of the evaluation, all deposits would be refunded minus a \$200 service fee. If agreement is reached in advance with the assigned evaluator, the parties may request an evaluation with no formal court report. The assessment would be the same, but the evaluator would simply provide the parties and counsel with a letter summary rather than a formal court report, before the settlement conference. If the parties thereafter request a formal court report, the full fee would have to be paid before the report

is issues. Unless the parties request this abbreviated option before the evaluation is commenced, I will assume that a formal report is required.

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C. Recommendations

In the parenting evaluation forms, I will ask each of you how you would suggest settling your dispute with the other parent. It is possible that I might agree with you when I have completed my evaluation. It is also possible that I may disagree with you and recommend something closer to what the other parent wants. Please be aware that whatever I recommend, it will always be based on my analysis of all of the evaluation data and what I believe to be in your children’s best interest.

At the end of the evaluation process, I may meet with the parents together to share the findings of my evaluation and my recommendations to the court. The purpose of this session is to share and explain my observations and recommendations so that you can understand them and hopefully find a way to settle your conflicts. This meeting is not designed to have parents criticize each other or my findings. I do not meet with parents individually to share this information prior to the report being sent. After that meeting, I will then send my written report to the attorneys.

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Settlement Prior to Conclusion or Early Termination of Evaluation

If I am appointed Guardian Ad Litem I am required to approve any final parenting plan agreements. By signing this agreement you promise not to detract from any final parenting agreement without my written agreement. If I am appointed as a parent evaluator, this does not apply. If I have been paid a fee that exceeds the time I have spent, I will refund any monies due at the end of the month following my receipt of a written statement that the evaluation has been halted. If at any point in the future, either parent wishes to resume the evaluation process, a new evaluation will need to be ordered and new fees paid.

Initial _____

EXPERT WITNESS

- A. Sometimes an attorney will contact me to act as an “expert witness” in an ongoing legal matter and will request that I perform an independent evaluation, with the best interest of the child as my primary focus. Following the assessment I will act as an advocate only when in my professional opinion it will be in the best interest of the child. If following an evaluation/assessment I do not act as your advocate, your contacts with my

office, and your evaluation/assessment is kept confidential, absent a contrary court order or compulsory process.

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B. Although I am a licensed attorney and mental health professional, I will not give you legal or therapeutic advice. My recommendations to the court, however, may include legal and/or legal interventions.

Initial _____

C. I do not communicate to parties by email, except to schedule appointments.

Initial _____

Signatures

Client

Date

Client

Date

Darcia C. Tudor JD, MHP, CWM

Date

