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Scope of the Evaluation

PURPOSE OF THE EVALUATION:

The purpose of a child custody evaluation is to gather information and perform an expert analysis of the health, safety, and welfare of the child(ren) for the Family Court, in order to help the court make informed decisions about custody and visitation that will be in the best interests of your child(ren). It may also increase your understanding of the changing relationships in your family so that you may improve the ways in which you plan for your children. The term “evaluator” henceforth denotes “court-appointed evaluator.”

PROCEDURES OF THE EVALUATION:

Normally, procedures will include but not be limited to:

INTERVIEWS:

1. One joint interview of two hours with both parents, or, if parents cannot be interviewed conjointly due to a restraining order, then two individual two hour interviews.
2. One individual interview with each parent, for the purpose of taking a history and to learn each parent's goals for the evaluation and for their child(ren). Such interviews will be two hours.

3. One home visit at each parent's home to meet the child(ren) and conduct initial parent-child observation, unless a restraining order or current visitation schedule precludes it. Please note that during home visits, all children, family members, live-in partners or roommates who live in that home must be present. If a parent has traveled from out of state for the evaluation, provisions may be made to observe that parent with the child(ren) in a non-office setting.
4. One office visit with each parent and the child(ren), unless contraindicated to protect the best interests of the child. (This is the second parent-child observation).
5. Individual interviews of the child(ren) in the evaluator's office, if developmentally appropriate. Multiple children may be seen individually and/or in various groupings, at the discretion of the evaluator.
6. New spouses, live-in partners, and significant others will be interviewed and may be asked to undergo some psychological testing.
7. Interviews either in person or over the phone will be conducted with each collateral person whom the evaluator considers to be a possible source of pertinent information. Generally, this could include teachers, childcare providers, pediatricians, religious practitioners, and therapists, but can include others as well. The content of each of these interviews will remain confidential between the party interviewed and the evaluator, except that relevant information will be included in the final written child custody evaluation report. The evaluator will usually not interview friends or relatives, as they are often partial to one of the parents. However, the

evaluator may interview friends or relatives if the evaluator determines that such interviews will assist in doing the evaluation.

8. At the end of the evaluation, each parent will participate in a final individual interview with the evaluator, which will provide the opportunity to clarify any unresolved issues.

PSYCHOLOGICAL TESTING:

Parents will be asked to participate in psychological testing procedures deemed by the evaluator to be necessary for a thorough evaluation. Results of the psychological testing will be incorporated into the evaluation report. If the evaluator deems it necessary to have the child(ren) assessed through psychological testing, parents will be asked to consent to this procedure as well.

Testing of adults may include but may not be limited to:

- Minnesota Multiphasic Personality Inventory-2 (MMPI-2)
- Rorschach Inkblot Test

Note: While information is available on the Internet regarding these tests, much of it is inaccurate and misleading. It is strongly advised that you not research these tests prior to your evaluation, as doing so could – and, in hindsight, often has for other parents – negatively affect your performance on these tests and in the evaluation. Other types of evaluations, such as drug and alcohol assessments, may be conducted where the evaluator feels they are indicated.

Testing of children may include but may not be limited to:

- Roberts Apperception Test
- Kinetic Family Drawings
- Rorschach Inkblot Test

All data collected during the course of the evaluation (including psychological test data) shall be used to allow the evaluator to observe and consider each party in comparable ways and to come to a sound and well-supported conclusion as to the child(ren)'s developmental needs in the context of custody, visitation, and parenting issues.

OUTSIDE CONSULTATION:

Where there are special issues such as allegations of chemical dependency or neuropsychological injury present, where the evaluator has general knowledge but does not feel that his level of expertise is of the highest level, he may seek outside consultation, in accordance with the AFCC guidelines. Such consultation may include requesting the parents to see outside evaluators in these specialty areas.

DOCUMENT REVIEW:

Parents will be asked to submit to the evaluator copies of all standing orders issued by the Family Court. Both parents and their attorneys are invited to send the evaluator any written material they think will be useful in determining the best interests of the child(ren). The parties will be asked to aid the evaluator in gaining access to any and all records the evaluator feels would be important to review, including arrest records, police reports, child protective services records, medical records, court records, etc.

Any witness to any material fact at issue in the custody case may submit to the evaluator a signed declaration made under penalty of perjury, so long as such declaration is about facts (not opinions) that are directly relevant to the health, safety and welfare of the child(ren).

PREPARATION OF WRITTEN REPORT:

The evaluator will use all the information gathered to prepare a written report containing findings and recommendations. The report will be provided to the court and to each party's counsel, once all fees are paid in full, and at least ten days prior to any hearing or trial on custody or visitation. In the event that fees are not paid in full within the ten days prior to a hearing, the hearing will have to be rescheduled. The evaluator may testify in court with respect to the information gathered and observations made in the process of the evaluation, if called to testify by either party or by the court.

CONFIDENTIALITY:

1. As all interviews and psychological tests conducted pursuant to this matter are being conducted for evaluation purposes, it must be understood that there is no confidentiality or patient privilege as would be the case when psychological services are sought for purposes of psychotherapeutic counseling.
2. The evaluator also reserves the right to share information with one parent that the other parent has shared with the evaluator. The evaluator will not do this without regard for the feelings and confidence of either parent, and will not do this routinely with information shared by either party. The purpose of any such disclosure will be to clarify issues and gather necessary information for use in the evaluation process.
3. The evaluator may also obtain consultation from senior level child custody evaluators or experts in specialized fields such as domestic violence or drug abuse assessment, although this will be done without releasing parents' names or unnecessary identifying data.

4. California state law requires evaluators to make an oral and written report to the appropriate agencies in cases of (a) child abuse, (b) elder abuse, (c) stated intention to injure another person, and (d) imminent danger of harming oneself or inability to care for oneself. If the evaluator suspects that there is a danger of any of the above, the evaluator must file a report.

FEES:

The custody evaluation fees are \$225.00 per 50-minute hour. This includes not only time spent in face-to-face interviews, but also time spent on the telephone, reviewing written material, correspondence, travel, scoring and interpreting psychological test data, and writing the evaluation report, court preparation, and any other time invested in connection with serving as custody evaluator will also be billed at the \$225.00 rate. Time spent in depositions or court appearances is billed at \$1600.00 per half-day (\$1800.00 per half-day outside of San Francisco county) – see separate fee agreement.

RETAINER:

The evaluator requires that \$8,000 be paid before the first session to initiate the evaluation. In general, this means that each parent pays \$4,000. Payment must be made by cashier's check or money order. Personal checks will not be accepted. The parties are responsible for all costs which exceed the retainer.

COSTS:

The evaluator shall be reimbursed for any expenses incurred in the course of the evaluation. These costs may include but are not limited to the following: photocopies, messenger service,

long-distance telephone charges, express and/or certified mail costs and excess postage to foreign countries, parking, tolls, mileage, travel expenses, consultations, editing, and word processing. The evaluator further requires that the remaining fees be paid prior to the writing of the final report. The evaluator will provide a written account of all costs.

APPOINTMENT CANCELLATION POLICY:

At least twenty-four hours' notice is required to cancel or reschedule an appointment without being charged in full for the missed appointment. If at least twenty-four hours' notice is not received, the parent who missed the appointment will be billed an additional \$225.00 per fifty minute appointment hour. If both participants miss an appointment, they will each be billed an additional amount for half of the scheduled time, unless they agree to divide this cost otherwise, and the evaluator agrees.

SETTLEMENT:

At any time during the course of the evaluation, parents are free to settle their custody or visitation dispute between themselves. If an agreement is reached and a settlement reached with the court, any unused portion of the fees paid by the parents to the evaluator will be refunded in proportion to the amount each parent has paid. The amount of refund will be determined by subtracting \$225.00 per hour spent on the evaluation, plus expenses incurred, from the amount collected from both parents. Should the evaluator reserve time for an evaluation which does not go forward, there is a \$500.00 administrative fee for all cancelled evaluations.

**MAINTAINANCE OF EVALUATOR’S NEUTRALITY AFTER THE REPORT IS
SUBMITTED TO THE COURT:**

After the report is released, the evaluator is willing to discuss any aspect of the report with the court-appointed mediator, both attorneys, or both parents at the same time, either in person or by conference call. Beyond that, the evaluator will refrain from substantive contact with either parent or any other party to the evaluation, unless all parties agree to further evaluation services. This policy enables the evaluator to continue to provide input regarding what the evaluator considers to be in the child(ren)'s best interests.

SIGNATURES:

I have read and understand the above agreement, and have had the opportunity to ask any questions I had about it. All such questions have been explained to my satisfaction. I have further been given the opportunity to seek the advice of an attorney as to the legal implications of agreeing to sign this agreement before doing so. I have either opted to seek such legal advice, or opted not to, at my own discretion and risk.

Dated: _____ Parent A

Dated: _____ Parent B

Dated: _____ Evaluator