

# Kelley A. Baker PhD LPC

1006 S. Rock Street, Suite 103

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## Custody Evaluation Agreement

A custody evaluator is appointed by the court to make recommendations pertaining to custody, possession and access (parenting time schedules), and/or decision-making rights and duties. The evaluator completes required tasks identified in the Texas Family Code such as:

1. Interviewing the parents.
2. Interviewing the stepparents and step siblings.
3. Interviewing the child(ren). When the child is under the age of four, the evaluator will observe the parent with the child.
4. Review documentation pertaining to the parents and child(ren).
5. Speaking to third party collaterals who have relevant information about the child and the parents.
6. Visiting the home of each parent.
7. Interviewing all parties who live in home.
8. Provide a report to the court that includes recommendations and the basis of those recommendations. In some cases, a report is not needed because parents settle on the terms of the parent/child issues before the evaluation process is complete.
9. In some cases, the custody evaluator will recommend psychological testing for the parties.

Costs associated with evaluation services are typically divided equally between parents unless there is a prior agreement to do otherwise, such as a court order specifying how costs are to be distributed between the parties. Distribution of costs is a matter that must be determined by the parents, attorneys, or courts prior to referral. Please refer to the fee agreement for a detailed discussion of the fees and costs associated with your custody evaluation. If you have not received this form, it is your responsibility to request it. Services will not begin until all forms have been signed and submitted.

Referral and service process: An attorney for either party may initiate contact for the purpose of referral. A court order which appoints Dr. Baker as the evaluator must be provided before services begin.

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The parents and their attorney are responsible for providing pertinent documentation / reports regarding the case to the evaluator. Common documents needed are:

- Current court order and previous orders issues.
- Restraining and/or Protective Orders (It is the responsibility of the client and the attorney to ensure that Dr. Baker and her staff know that a current restraining or protective order is in place.)
- Current school records for each child.
- Current relevant testing or medical records for each child.

The evaluator will visit individually with children four years of age and older. Each parent will bring the child to an in-person meeting at Dr. Baker's office unless there are reasons why the parent cannot transport or otherwise be with the child.

A home visit will be conducted for each family. Whoever lives in the home needs to be present during the home visit. This is time for the evaluator to observe and/or interact with the child(ren) in her/his natural environment, whether at school, home, or elsewhere. These sessions will be scheduled and conducted at the discretion of the evaluator.

Each parent will have approximately three-four sessions (this can vary depending on how much time a client needs to answer the questions). The children will have approximately two interview session, but this can also vary depending on the unique needs of each child. Additional sessions may be scheduled if Dr. Baker needs additional information.

Prior to the first session, parents may provide signed consent forms permitting the evaluator to communicate with other service providers. For example- attorneys, therapists, teachers and childcare providers. Each party will provide references for persons who have relevant information about the parties and the children.

Individual meetings with the evaluator range from an hour to two hours. These meetings are for the purpose of becoming acquainted with / learning about the parents, their family histories, the children, and current issues. Additional sessions may be required to follow up on a situation or to provide more insight.

The evaluator will compile information into a report which will be submitted to the court, whether in the form of written documentation or through personal testimony.

## **Guardian Ad Litem Agreement:**

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1. The participants 1) having obtained independent legal advice, or 2) upon the order of the courts, or 3) by joint agreement, (circle all that apply) have agreed to retain Kelley A. Baker, PhD, LPC as a Custody Evaluator for:

\_\_\_\_\_ (Cause number).

2. The parents agree to pay a retainer fee in the amount of \$6000.00 in the form of cash, check, credit card\* or money order, payable to Kelley A. Baker, PhD, in advance of service. Such funds will be divided equally by the parents or otherwise as predetermined between themselves or as ordered by the courts. If exception is made to the amount of the initial retainer, the clients agree that NO work will be performed if the account is not replenished once it reaches \$500.00. Clients are emailed a statement as services are provided. Dr. Baker's services are provided at the cost of \$300/hr, for court appearances and depositions \$300.00/hr, and for phone calls, review of documentation, emails, collateral calls, and attorney consults in five minute increments (\$24.00/5 minutes). Travel time is billed at regular hourly amounts. Costs associated for airfare and lodging vary depending on the location and are deducted from retainers. Dr. Baker has a 100.00 per diem when traveling for court related work which covers food. *\*Please note that all credit/debit cards processed will be subject to a 1.4% processing fee.*

3. The parties agree that Dr. Baker will NOT be held responsible for unresolved issues and/or damages of any kind resulting from work that is not done due to the parties not replenishing their account when asked.

4. The parties to this agreement shall not bring any actions for damages or any other claims of any kind or character against Kelley A. Baker, PhD, for any acts or omissions under the terms of this agreement.

5. Clients may only record sessions, phone calls, and/or discussions of any kind with written permission of all parties present, including Dr. Baker. Violation of this policy may result in termination of your services and withdrawal from your case, as well as any legal action allowed to the parties by the civil laws of the state.

6. The parents understand and appreciate that Kelley A. Baker, PhD, has a duty to report any concern related to abuse or neglect of any child or elderly person who may be unable to protect her/himself.

7. Parties understand the appointments are not considered 'counseling' for anyone involved. Dr. Baker's services as a court appointed custody evaluator are not therapeutic and fall under the jurisdiction of the court, not the licensing board. She is appointed to assist the court in determining the best interests of the children.

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8. The Texas Behavioral Health Executive Council investigates and prosecutes professional misconduct committed by marriage and family therapists, professional counselors, psychologists, psychological associates, social workers, and licensed specialists in school psychology. Although not every complaint against or dispute with a licensee involves professional misconduct, the Executive Council will provide you with information about how to file a complaint. Please call 1-800-821-3205 for more information.

9. All appointments with the children shall be recorded. *A recording created under this subsection is confidential and may not be released after the completion of the suit in which the evaluator conducted the evaluation, except by court order for good cause shown.*

**MY SIGNATURE BELOW ACKNOWLEDGES MY INFORMED CONSENT FOR THE SERVICES PROVIDED BY DR. BAKER FOR A CUSTODY EVALUATION. I HAVE READ AND FULLY UNDERSTAND THE SERVICE DESCRIPTION AND AGREEMENTS CONTAINED IN THIS CONTRACT AND CONFIRM THAT I HAVE ASKED ANY QUESTIONS I MAY HAVE ABOUT THIS PROCESS AND THE TERMS OF AGREEMENT. MY SIGNATURE CONFIRMS THAT MY QUESTIONS HAVE BEEN ANSWERED SATISFACTORILY.**

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Client's Printed Name

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Client's Signature and Date