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INFORMED CONSENT TO PARTICIPATE IN A BRIEF FOCUSED ASSESSMENT (BFA) IN A FAMILY LAW MATTER

In some family court cases, there are discrete issues, limited in scope, that do not require a comprehensive child custody evaluation to assist the court in decision-making. A Brief Focused Assessment (BFA) addresses specific, narrowly defined referral questions, identified by a judicial officer in a court order. The BFA can be an efficient and effective tool to assist judicial decision-making in cases where a full child custody evaluation is not needed. These evaluations can be completed in less time than a full child custody evaluation, so the information is available to the court more quickly, avoiding some of the delays in the resolution of issues that can exacerbate tension in families. They also generally cost about half the price of a comprehensive child evaluation, depending upon the issues being examined. The cost is even less, if the BFA request is to provide an evaluation of just one parent.

However, it is important that a Brief Focused Assessment not be substituted as an inexpensive alternative where a comprehensive child custody evaluation is necessary to address the concerns of the court and the family. BFAs differ from comprehensive child custody evaluations in their narrower scope and abbreviated assessment procedures, with a much shorter report and more descriptive reporting of data. Comprehensive evaluations, by contrast, are designed to provide data on more broadly-based questions about general family functioning and parenting capacity that are not appropriate to the BFA model, while also producing more comprehensive report and parenting plan recommendations.

Regarding some of the advantages of Brief Focused Assessment, BFAs involve more circumscribed inquiry into family issues and are therefore likely to be less intrusive to the family than comprehensive child custody evaluations. The BFA can provide quick and timely feedback regarding acute questions about the following: parenting time arrangements; assessing a child or teenagers' request to change a custody arrangement; child safety issues; evaluation of only one parent to examine psychological instability or substance abuse which may compromise parental functioning; assessing allegations of abuse; assessing potential child alienation issues; or disagreements regarding school placement of a child. A Brief-Focused assessment may also be appropriate as an update to a previously completed comprehensive child custody

evaluation. **If the BFA involves the evaluation of only one parent, I typically will conduct a one-hour interview with the other parent, in order to understand some of the concerns regarding why the BFA of “one parent only” has been ordered by the court.**

Structure of the evaluation: The specific methods employed in a BFA will depend upon the referral question. Some of the following techniques will be utilized in completing these assessments: individual interviews with parents; individual interviews with children; parent-child observations in the office or in the home; collateral interviews with professionals who have had contact with the family (i.e., mental health professionals, teachers, licensed child care provided, relevant review of records); and a brief written report. In some instances, psychological testing of a parent may be utilized, if there is a specific question about parental psychological stability. Also, psychological testing of a child might also be utilized if appropriate due to the referral question.

Psychological tests which may be utilized in a BFA were not developed specifically for the evaluation of parenting, but rather, such tests provide information about personality styles and characteristics that can generate hypotheses about parenting skills that may then be examined in light of information from other sources. Psychological tests results are also used to either confirm or disconfirm information from other data sources.

Listed below are conditions under which I will conduct your BFA. It is important to remember that in conducting your evaluation, I will be serving the court as an impartial expert, rather than as a family or parent advocate. In order to serve optimally in this capacity, I must be free to avail myself of any and all information that I consider pertinent. In this way, I believe I can best serve the interests of children and parents involved in such conflicts. Accordingly, before agreeing to serve in this capacity, the following conditions must be agreed upon by both parents and both attorneys.

1. Drug or Alcohol Testing: If the evaluator feels that drug testing is indicated, the parties agree to cooperate with requests to submit to tests for the use of drugs and alcohol. These may include reporting to an independent laboratory to provide samples of blood, urine, or hair. The parties will be responsible for the payment of such tests.

2. Confidentiality: Principles of confidentiality and privilege do not apply within the context of a court-ordered BFA. All parties understand that any information or documents obtained by the evaluator are not held confidential, as it is available to the court and to both attorneys. In order to allow me the freedom of inquiry necessary for optimally serving families involved in custody disputes, the parents shall agree to a modification of the traditional rules of confidentiality. Specifically, I must be given the freedom to reveal to one party what has been told to me by the other (at my discretion), so that I will have full opportunity to explore all pertinent points with both parties. This does not mean that I will not respect certain privacies or that I will automatically reveal all information provided me, but only that I reserve the right to make such revelations if I consider them warranted for the purpose of collecting the most meaningful data. In addition, certain limitations to confidentiality will apply according to

California State Law, in which the psychologist has a duty to report information concerning child abuse, which includes sexual abuse, physical abuse, and neglect.

3. Releases of information: The parties shall agree to sign any and all releases necessary for me to obtain reports from others, e.g. previous or present psychotherapists, teachers, school officials, psychiatric hospitals, etc.

4. Fees: Because the methods of a BFA vary based upon the specific question(s) asked by the court, the exact fees cannot be known beforehand. My hourly fee for conducting a BFA is \$350.00 per hour. This not only includes time spent in interviewing and psychological testing, but in test scoring and interpretation, document review, report preparation and dictation, pertinent telephone conversations, home visits, and any other time expended in association with the evaluation. Travel time involved in making home visits is billed at the rate of \$250.00 per hour or portion thereof. The retainer fees for conducting a BFA are listed below. Prior to the initial interviews, the payer(s) will advance me a retainer according the following schedule:

Retainer fee for BFA involving one child :	\$7500.00
Retainer fee for BFA involving two children:	\$8000.00
Retainer fee for BFA involving three children:	\$8500.00
Retainer fee for BFA involving four children:	\$9000.00
Additional charge for each stepparent:	\$525.00 (add to retainer fee)
Retainer fee for evaluation of one parent only:	\$5000.00

Additional fees will be billed if I have to travel outside of Sonoma County for a home visit, or if I am asked to review an unusually large volume of documents. Extra fees may also be charged if I need to conduct more evaluation sessions than was originally anticipated. You will be notified of such additional charges at the end of the evaluation meetings. Any additional fees are due at the end of the evaluation, and need to be paid prior to my completing a final written report.

5. Appointment Cancellations: Appointments must be canceled 48 hours in advance. Cancellations less than 48 hours in advance will be billed to the person who failed to keep the appointment.

6. Written report: The final report will be simultaneously sent to the Superior Court, the attorney for each parent (or directly to the parent if they are self-represented), and to Family Court Mediation Services. When minor's counsel has been appointed by the court, he or she will also be sent a copy of the report.

7. Documents submitted for review: Both attorneys (or parents if self-represented) are invited to send me any materials that they consider pertinent to the BFA. Such materials might include copies of court pleadings and orders, declarations, Family Court Services reports, or a summary of the case. However, copies of any information provided to me must also be submitted to the

opposing attorney for review. Any documents submitted must be accompanied by a cover letter listing the name of each document, and indicate the such materials have also been sent to the opposing attorney or other parent. **Also, documents submitted for review should be provided as hard copies in paper form, and not submitted electronically (with the exception of court orders or brief letters).**

8. Settlement conference attendance and maintenance of evaluator's neutrality: Following submission of my report, I generally refrain from any future communication with either parent separately, or any other party involved in the evaluation. However, I am willing to discuss any aspect of my report with both attorneys (and the two parties if they so choose) at the same time. Such communication may occur any time following the submission of my report. This practice enables me to continue to provide input to the attorneys regarding what I consider to be in the children's best interests. Thus, in order to preserve my status as an impartial evaluator, any information I provide either parent or attorney is only done under circumstances in which the other is invited to participate.

I am also available to discuss the recommendations at a settlement conference at the Superior Court. My fee for attending a settlement conference is \$1750.00 (this fee includes 3 hours of meeting and travel time, and 2 hours of file review prior to the conference). This fee is not part of the initial evaluation retainer fee. The fee for my participation in such conferences will need to be paid one week prior to my attendance, and I should receive at least 2 weeks advance notice of the settlement conference date by the attorneys'. Thus, when I am requested to be in attendance at a settlement conference, I will notify the attorneys of the required retainer fee at that time. If I have been asked to reserve time in my schedule for a settlement conference, in the situation of a cancellation of the conference, fees will only be reimbursed if I have received a cancellation notice of at least two business days prior to the settlement conference.

9. Court appearances and depositions: My fee for depositions and court appearances is billed at the rate of \$425.00 per hour. Preparation prior to offering testimony is billed at the rate of \$350.00 per hour. Court appearances or depositions are billed at a minimum half-day rate of \$3100.00 (which consists of \$1700.00 for a half-day of time and \$1400.00 for 4 hours of file review/preparation prior to testifying). The rate for one day of testimony is \$4800.00. For testimony in which I am traveling outside of Sonoma County, additional travel fees will apply (typically billed at \$250 per hour). If I am asked to offer expert testimony either at a deposition or in court, I expect that my fee will be paid at least one week before my testimony. I will bill for any additional charges (such as if I am asked to remain for another half-day of testimony), and expect that any outstanding fees will be paid within 7 days. If I am asked to reserve time in my schedule for either a deposition or court appearance, I must receive a cancellation notice at least 72 hours (3 business days) in advance in order for my reserved time not to be billed to the responsible party. Such a policy is necessary, as I am typically canceling ongoing psychotherapy clients or other evaluations in order to make myself available for expert witness testimony.

10. Beginning the evaluation: To begin the evaluation, I will need to receive signed statements (see Page 5) from both parents signifying agreement to the conditions of the evaluation, the full

retainer fee, and a signed court order from the presiding judge specifically naming me as the court-appointed psychologist. **The court order must also include a well-defined or specific referral question for the BFA.** On receipt of these items, I will notify both parents that I am available to proceed with the evaluation as promptly as possible. I aim to complete an assessment in a timely manner, but this depends upon the party's flexibility with respect to making themselves available for the appointments I offer.

11. If additional evaluation is needed: Recommendations are typically limited to the referral questions from the court. However, if the BFA reveals other areas of child safety or significant parenting concerns, then a recommendation might be made to the court for additional procedures or for a comprehensive child custody evaluation.

12. Subpoena of Records: In the event that either party subpoena records in connection with this case, Dr. Pickar will charge for his time in responding to the subpoena at the same hourly rate charged for conducting the child custody evaluation. Such fees will be payable solely by the subpoenaing party. Depending upon the volume of records requested, Dr. Pickar reserves the right to request a retainer deposit to cover the estimated fee to be incurred in producing the records.

Please feel free to ask me any questions you might have regarding the aforementioned conditions (phone: 707-566-0296) (email – dpickar@sbcglobal.net).

(Rates effective for cases beginning in January of 2020)

