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CHILD CUSTODY/PARENT TIME EVALUATION PROCEDURES AND COSTS

If you have difficulty reading or understanding this document, please let Dr. King know. Plans will be made for this to be read and explained to you or interpreted for you.

PROCEDURES

When Dr. King receives an order appointing her, information about how parties can find and submit intake documents will be sent to attorneys (and to parties if Dr. King is given their contact information). If documents are not received from both parties approximately two weeks later, Dr. King will need to notify the Court there has been a failure to follow instructions.

When documents are received from both parties, Dr. King will quote the basic fee for the evaluation. If the basic fee is not paid by the responsible party/parties approximately two weeks after Dr. King has quoted the fee, she will need to notify the Court there has been a failure to pay.

When intake documents and the basic fee are received, the case will be put "in line." At that time, Dr. King will give an approximate date she should be able to start. Once started, the evaluation is usually completed within 90-120 days if there are no unforeseen delays.

The evaluation typically includes, but may not be limited to, the following activities:

- administration of questionnaires and interviews to adult parties;
- administration of child behavior checklists to parties and other care givers and teachers;
- review of school records of school-age children;
- interviews with children when their age and maturity permit;
- observations of parties and children in the home during home visits;
- assessment of the status of other adults and children living in the home and observation of those persons during home visits; and
- interviews of collateral witnesses and review of documents and other materials submitted by parties

BASIC FEE

The basic fee is a flat rate based on the number of persons to be examined. It is intended to cover most, if not all, of the activities listed above.

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The basic fee schedule is outlined in the table below. This fee also includes preparing findings and recommendations to be orally presented at the custody evaluation conference and the minimum fee for time spent presenting at the conference.

Basic Fee Schedule

each adult party who is the subject of the evaluation	2,000
each step-parent or partner residing with an adult party	500
each child age four years and younger who is the subject of the evaluation	350
each child age five years and older who is the subject of the evaluation	650
each adult and child living in or frequenting the residences who is not the subject of the evaluation (assuming a more in-depth evaluation is not needed)	350
preparation of outline of findings and recommendation for oral presentation at the custody evaluation conference (4-903 conference)	20% of the total of the above fees
minimum fee for time spent participating in the child custody evaluation conference	500

If the evaluation is discontinued for any reason, the basic fee will be refunded in full if no work has been undertaken by Dr. King. However, it is likely Dr. King will have engaged in pre-evaluation communications (described on page 5) for which there will be charges that would be deducted from the refund. Additionally, if Dr. King has started work on the evaluation, time spent by her will be assessed at the rate of \$165 per hour and deducted from the refund.

UNINTENDED INEQUITIES IN HOW FEES ARE SPLIT

It is understood the costs to examine one household may be greater. For example, one party may live alone with the children, while the other party and the children may reside with other adults and children who are not the subjects of the evaluation but who need to be examined to a degree. Also, additional costs may be greater for one party. For example, one party may submit more material to be reviewed or ask that more collateral witnesses be interviewed than the other. **Unless otherwise ordered or agreed, the basic fee will be shared by the parties based only on the percentages cited in the order for the evaluation.** Please discuss this with your attorney in advance if you believe fees should be assessed differently.

ADDITIONAL COSTS

Additional costs are those not covered by the basic fee and are billed separately. **Unless otherwise agreed or ordered, additional costs will be charged to parties based only on how the Court has determined costs for the evaluation should be shared. However, there are**

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exceptions. Even if the other party has been ordered to pay 100% of the cost of the evaluation, you will be responsible for fees you must pay in order to provide requested information, such as drug testing and criminal history report requests, and for work you, personally and individually, necessitate.

Work you necessitate includes appearances by Dr. King (including travel costs) which you subpoena and records or reports from Dr. King which you subpoena or request. It includes your cancellations, your pre-evaluation communications, and costs for responding to actions you initiate. These are described below.

Testing and Records Requests

When deemed necessary by Dr. King, the evaluation will also include but may not be limited to:

- psychological testing of adult parties (billed at \$200/hour according to the percentages ordered by the Court)

NOTE: Personality testing of adult parties is not always useful in custody evaluations. Subjects tend to portray themselves in a favorable light and results may be invalid or only marginally valid. A focus on overt behavior that is consistent/inconsistent with good parenting capacity is the focus of the evaluation and typically is accomplished without personality testing of the adult parties.

- psycho-educational evaluation of children, including such testing as cognitive and achievement testing (billed at \$200/hour according to the percentages ordered by the Court)

NOTE: Assessment of children's social, emotional, and behavioral status is done as part of the evaluation and is included in the basic fee. When children may appear to have special needs due to deficits or delays in their cognitive, adaptive, or academic achievement functioning, testing is indicated. Typically, the school has done this testing and records are simply requested. This testing of children is done as an additional activity at additional cost when the need is apparent and the school has not conducted the testing and will not be conducting the testing.

- drug testing (paid by each party at the time of the tests)
- requests for criminal history reports (paid by each party at the time they request records)

Fees for Appearances

The minimum fee for Dr. King's time to appear at the custody evaluation conference is included in the basic fee. If her presence is required at the conference for longer than 3.5 hours, there will be a fee of \$165 per hour charged.

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Fees (and travel costs) for any subpoenaed appearances, e.g., to testify, will be the responsibility of the party issuing the subpoena. Fees are a minimum of \$500, which covers a half day (3.5 hours), and \$165 per hour for each subsequent hour, regardless of whether time is spent testifying or waiting. Preparation time for subpoenaed appearances will be billed at \$165 per hour and is approximately four hours. The minimum fee of \$500 and preparation time must be paid prior to the appearance. The balance is due immediately following the appearance.

Travel Costs and Fees

Travel costs and fees for making home visits and attending the custody evaluation conference (so long as the conference does not require Dr. King to be present more than 3.5 hours), will be waived when the homes and court are within Cache, Box Elder, Weber, Davis, or Salt Lake counties.

Travel costs for such activities as making home visits, attending the custody evaluation conference, and appearing when subpoenaed include 60.0 cents per mile to and from the destination or airport, and the actual cost of round trip airfare, car rental, and lodging. The fee for travel time is \$100 per hour, to a maximum of \$500 per 24 hour period. Travel time includes business hours spent by Dr. King away from her office in order to arrive at and return from the location of the activity. Fees and costs for travel necessitated by a subpoena will be the responsibility of the party who issues the subpoena. Otherwise, charges will be billed based only on the percentages cited in the court order.

Costs for Review of Materials and Interviewing Collateral Witnesses

Review of some documents, such as those filed with the court, are included in the basic fee. There will be additional charges at the rate of \$165 per hour for reviewing documents resulting from protracted litigation and for journals, logs, recordings, text messages, emails, etc. presented by parties. Interviews with three (3) collateral witnesses is covered in the basic fee, but there will be charges at the rate of \$165 per hour for time spent interviewing additional witnesses. Unless otherwise agreed or ordered, these charges will be billed based only on the way in which the Court has ordered costs to be shared, regardless of the amount of material submitted by both parties.

Cancellations

Regardless of language in orders stating how custody evaluation fees are to be shared, **if you fail to cancel an appointment with Dr. King at least 48 hours in advance, you, personally and individually, will be billed for the time reserved for you at the rate of \$165 per hour.** If Dr. King is subpoenaed to testify at a deposition or trial that is cancelled without advance notice to her of at least three business days, fees for preparation and for the planned appearance will be billed to the person who issued the subpoena.

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Written Report

If a written report is requested, fees will be the responsibility of the party requesting the report. The cost will be \$165 per hour; time spent preparing the report may be 20+ hours.

Requests for Records

When copies of Dr. King's records are subpoenaed, **it will be the responsibility of the person issuing the subpoena to pay the costs.** The cost will be the actual cost of copies plus a minimum of four hours at the rate of \$165 per hour for time spent by Dr. King overseeing the copying personally, i.e., a minimum of \$660 plus the actual cost of copies. If more than four hours is required this will be billed at \$165 per hour. Dr. King must oversee the copying personally to ensure that protected materials are not released. In addition, Dr. King may object to the release of certain records. Therefore, these records must be reviewed personally by Dr. King to determine if an objection is necessary.

Costs for Responding to Actions You Initiate

If you or your attorney initiate adversarial action against Dr. King including but not limited to a licensing board complaint or litigation of any form, you agree to pay for the time spent by Dr. King responding and appearing as required. Examples include but are not limited to time spent by Dr. King keeping appointments to accommodate process servers, reading documents and reviewing associated records in order to prepare, preparing responses, appearing, time spent in travel and travel costs in order to respond or appear. All activity will be billed at \$165 per hour.

Pre-Evaluation Communications

Pre-evaluation communications refers to time spent sending and responding to emails to follow up on requests for paperwork or payment when these are not submitted promptly, emails or phone calls to answer questions that are already answered in the paperwork, letters to attorneys and the Court to report delays due to parties failing to follow through, and phone conferences with attorneys and the Court to discuss the same. The time spent by Dr. King engaged in these activities will be billed at \$165 per hour, with a minimum charge of \$45 for any activity on a given day. **These will be personally and individually charged to the person who necessitates the activity, regardless of how the custody evaluation fees are otherwise to be shared.**

BILLING/PAYMENT

Itemized billing statements will be submitted to parties for additional costs as activity is planned or occurs. Payment is expected upon receipt of the statement. Work on the evaluation will cease any time there is a balance due on the account that is not paid within two weeks. You

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may use a credit card to pay, though please note there will be a 3% charge added. There will be a \$35 charge or the amount allowed by law for returned checks or credit card charge-backs plus any institutional fees assessed. Balances not paid within 30 days of the date billed will be charged interest at a rate of 1.5% per month (18% per annum). Accounts overdue for 60 days may be submitted to a collection service, at which time the balance will be increased 35% to offset collection commissions. You agree to pay any additional fees assessed by the collection agency including attorneys' fees and court costs associated with collection activity.

If you prefer to receive billing statements through the mail you are asked to notify Dr. King of this preference in writing. Otherwise, billing statements will be sent to you using the email address you provided. You are responsible for notifying Dr. King promptly if there are any changes in your contact information, including your mailing address, phone number, and email address.

Thank you for your close attention to this lengthy document. **Please place your initials at the bottom of each of the preceding five (5) pages of this document and submit all six (6) pages of this document to Dr. King.**

SIGNATURE

Your signature below certifies you agree to permit a copy of this authorization to be used in place of the original.

Your signature below certifies you have read and understood to your satisfaction the procedures and costs outlined in this document. You have had an opportunity to review this document with an attorney and receive legal guidance if you chose.

Your signature certifies you agree to all of the procedures and costs, terms and conditions, presented in this document.

Your signature certifies you agree to cooperate with the procedures and assume financial responsibility for your share of the costs.

Your printed name

Your signature

Date signed