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CHILD CUSTODY EVALUATION ADVISEMENT FORM

Cause Number: _____ Children's Names: _____

I, the undersigned, understand that the court has appointed Denise DeNicolo, M.S., Licensed Professional Counselor Supervisor, to conduct a child custody evaluation regarding the above-named child or children. Collectively I am referred to in this document as "the evaluator" for simplicity. I understand the particular individual named to conduct the evaluation has been designated by the court and/or a formal agreement of the parties.

I further understand that meetings and interviews with the evaluator are for the purpose of assisting the court and the parties involved in making decisions in the best interest of the child or children involved. I acknowledge that the evaluation is intended to be thorough, objective, independent, and in conformity with recognized best practices at the time this evaluation is conducted as appropriate to the specific situations of this case.

I understand that the evaluator will attempt to obtain all relevant information from all sources needed to address the issues before the court. I understand and acknowledge that the evaluator will use their professional discretion in making any and all decisions regarding who must be contacted, how extensive those contacts will be, and what information should be obtained and reviewed. I recognize this includes review of any previous evaluations or home studies if such reports exist.

I understand that although I may be providing payment to the evaluator she is working for the court, under court appointment, and the outcome of the evaluation may or may not favor my position or be something that I am in agreement with. I recognize that I may refuse to participate in the evaluation, and acknowledge that the nature and extent of the consequences of any refusal to participate should be discussed with legal counsel.

Retainer: I understand that a retainer for the base rate of the evaluation is due in advance. The court may order each participant to pay an equal share of the fees, assign one participant to pay the total fee for the evaluation, or order a disproportionate split of the fees for the evaluation. At least half of the

retainer must be paid prior to scheduling the first interview and the remainder paid at or before the first interview. Payment may be made by cashiers check made out to “Denise DeNicolò”. I understand that this retainer may be increased based on additional individuals to be interviewed, the necessity of extensive records review, or other case-specific factors, and that any additional retainer amount is due upon billing and prior to submission of the report to the court.

Fees: I understand that a completed evaluation is billed at a flat base rate. This base rate covers interviews of up to five persons (adults and/or children) involved in the case. There is an additional charge of \$100 for each additional person to be interviewed beyond the first five.

The base rate also covers collection of standard collateral information, review of basic documentation, and completion of a report to the court. It does not cover review of depositions, review of Child Protective Services records, or other substantial records review over one hour in length per party. It does not cover any administrative or other hearings related to this case. Unless otherwise specified, such additional work is billed in quarter hour increments based on a standard hourly rate as noted below:

Primary Evaluator	Base rate (Court determines % each party pays)	Additional interview charge (per party)	Standard hourly rate for evaluations
Denise DeNicolò	\$3,000.00	\$100.00	\$150.00

Unless otherwise specifically ordered by the court fees for services will be split between the parties. Should the case settle or services otherwise terminate prior to completion of a report to the court refunds will be issued based on actual time worked on the case, billed at the standard hourly rate, with all administrative time prior to start of interviews billed at Denise DeNicolò’s hourly rate. Refunds will be issued only if there is remaining retainer on account for the case, and then only up to the amount of retainer on account. Should one side fail to provide full payment, issues of reimbursement may have to be addressed to the court.

Payment should be made in the form of cashiers check made out to “Denise DeNicolò”; no electronic payments are accepted. I understand I am responsible for any and all fees incurred by the evaluator in relation to this case, and any and all work done by the evaluator in relation to this case.

Other costs: I understand that each of the parties will be responsible for any fees for production of third party records or other information related to this evaluation. I understand that if this case settles costs for postage, copying of records, and other administrative costs will be deducted from the retainer. I acknowledge that time in administrative tasks is billed at the standard hourly rate. Additionally I understand cancellation of any appointment with less than 72-hours notice will incur a one-hour service fee. After the report is filed any updates, which are ordered will be billed at the standard hourly rate with a minimum four hour retainer due in advance. After a final report is made to the court we will not have further direct contact unless the court orders an update to be conducted.

Court appearances: I understand that if my attorney or I request a court appearance, deposition, or participation in any type of settlement conference by the evaluator there will be an additional fee, per person requested, of \$150.00 per hour, with a minimum charge of four hours for personal

appearances, or a minimum charge of one hour for telephonic appearances. Such fees are due at least one week before the scheduled appearance and are nonrefundable within a week of the scheduled appearance as I must clear my schedule whether the hearing occurs or not. Please note: if an appearance request is received without a minimum of one week notice the appearance fee is due immediately and there will be an additional \$200.00 express charge. I acknowledge by signing this document that failure to provide the fee as specified constitutes release from the requested appearance.

Travel: I understand that interviews with adults will generally be conducted at my office and that interviews with children will generally be in the homes of the parties. Unless the court has specifically ordered otherwise, a review of each party's residence is a mandatory part of the evaluation. Travel time is charged per hour, rounded up to the nearest 15-minute increment, at half the standard hourly rate (\$75 per hour).

For evaluations requiring airline or overnight travel I understand that fees are charged for travel time and travel expenses. Such travel time is logged as any time spent between originating airport and hotel, and is charged as noted above. Travel expenses include the full expense of the airfare, a hotel room, and a rental vehicle with gasoline reimbursement or taxi fees. An additional travel retainer will be calculated based on expected travel time and expenses and is due before any travel arrangements are made.

Unanticipated costs: I understand and acknowledge that unanticipated circumstances may necessitate additional hours of service outside those estimated in the retainer. These include, but are not limited to: additional interviews; extensive telephone contact time; additional document review; any and all procedures to assess fresh allegations or issues which were not included in the original retainer estimate; and other case specific factors.

Contacting the evaluator: Outside of telephone contacts regarding scheduling, communication to the evaluator should occur in writing to the mailing address or fax number above. Please do not attempt to contact the evaluator by e-mail. The evaluator may respond in writing or by telephone as deemed appropriate. The evaluator will generally only discuss administrative issues regarding the evaluation with the litigants and their attorneys; please have them contact me directly.

Criminal background checks: Criminal background checks are to be completed for every person in the household over the age of 12 prior to the initial visit. The parties are to go to an Identogo approved location <https://www.identogo.com/services/identity-history-check/fbi-history-check> (PH# 1-877-783-4187) and request the FBI fingerprint check. All costs associated with this FBI criminal history check are the responsibility of the parties. Please ensure that a copy of the results are sent via email to Denise DeNicolo (counselor@DeniseDeNicoloLPC.com).

Services not provided: I understand and acknowledge that the evaluator is not providing, nor am I requesting, therapy, counseling, or any form of treatment. Should these or other service needs be indicated during the course of the evaluation appropriate recommendations will be made. I understand that the evaluator is not providing mediation, parenting coordination, parenting facilitation, or any other service outside of a child custody evaluation. I understand that should the court or the attorneys request the evaluator to participate in a settlement conference they will do so only as an evaluator and only for the purposes of clarifying, explaining, or otherwise communicating the results of their evaluation and report.

I understand that the evaluator is not an attorney and that if I have any questions regarding legal matters I should consult with an attorney. I understand that it is inappropriate for someone not trained as an attorney to respond to questions concerning legal matters and recognize I cannot request the evaluator to do so. I understand I am to provide my attorney copies of any information I provide to the evaluator so that proper discovery procedures may be complied with. I understand that any copies of electronic records submitted by me to the evaluator must be sent through my attorney. I understand that the evaluator will not review any audio or video recordings unless all parties have been provided copies and all parties have agreed in writing for the evaluator to do so, or the court has ordered such a review.

Professional practice statements: For the purposes of reporting violations of licensing rules or regulations the Texas State Board of Examiners of Licensed Professional Counselors can be contacted by mail at Complaints Management and Investigative Section, P.O. Box 141369, Austin, Texas 78714-1369, and by telephone at 800-942-5540.

I understand and acknowledge that the outcome of the evaluation may or may not favor my position or be something that I am in agreement with. I understand that complaints regarding conclusions and recommendations in the evaluation must be directed to the court, as the licensing board handles only complaints regarding violation of licensing rules and regulations.

Insurance coverage: I understand that none of the services provided to me in this case are covered by insurance as the evaluation is for legal (not treatment) purposes, and is not therapy.

I have been informed and I understand that any communications or statements by me or the children will NOT be privileged or confidential and that:

- The evaluator may be required to testify in open court in the course of litigation. Any information provided to the court may become public record.
- The evaluator is required to make a report to the court and the attorneys of record. A copy of the written report and the written materials provided to the court are provided to the attorneys of record and clients who represent themselves at the time the report is filed with the court.
- All information provided to the evaluator will become part of the evaluator's records and is available for review by the attorneys of record and clients who represent themselves. After the report is completed information will be released following written request from attorneys or clients who represent themselves.
- The evaluator may confer with mental health professionals, doctors of medicine, education and child care personnel, personal references, other governmental entities, attorneys of record, and such other persons as have or need information directly related to the evaluation as necessary.
- The evaluator may be required to disclose situations where clients are a danger to themselves or someone else; abuse, neglect, or exploitation of a child, elderly, or disabled person; or as otherwise required by law.

Do not sign this form unless you have read and understood it. A copy of this signed document will be given to your attorney.

Signed this _____ day of _____, 20____.

Signature

Printed Name