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## FORENSIC COUNSELING SERVICES

Aaron Robb, Ph.D., LPC-S  
Program Director

Mailing address:  
2831 Eldorado Pkwy, Ste. 103-377, Frisco, TX 75033

Telephone: 972-360-7437  
Fax: 940-343-2601

Interview offices in Frisco and Lewisville

www.texascounseling.org

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### CHILD CUSTODY EVALUATION ADVISEMENT FORM

Cause Number: \_\_\_\_\_ Children's Names: \_\_\_\_\_

I, the undersigned, understand that the court has appointed one of the personnel of Forensic Counseling Services to conduct a child custody evaluation regarding the above-named child or children. This document advises regarding policies and procedures for the evaluation.

The program director of Forensic Counseling Services is Aaron Robb, Ph.D., LPC-S; staff members are Susan Etheridge, LMSW, independent evaluator, and Mindy Harrison, LCSW, independent evaluator. Collectively they are referred to in this document as "the evaluator" for simplicity. The particular individual named to conduct the evaluation has been designated by the court or a formal agreement of the parties.

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. 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.

The evaluator will attempt to obtain all relevant information from all sources needed to address the issues before the court using 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, including any previous evaluations.

I understand that, although I may be providing payment to the evaluator, they are 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:** A retainer for the full fee 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, or order a disproportionate split of the fees. At least half of each party's retainer must be paid prior to scheduling the first interview, and the remainder paid at or before the first interview. This

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retainer may be increased based on additional individuals to be interviewed, the necessity of extensive records review, or other case-specific factors; any additional retainer amount is due upon billing and prior to submission of the report to the court.

**Fees:** Initial fees for the evaluation are 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 per party 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 <i>(per party)</i>	Additional interviews <i>(per party)</i>	Standard hourly rate
Aaron Robb, Ph.D., LPC-S	\$4,500.00	\$150.00	\$300.00
Mindy Harrison, LCSW	\$3,500.00	\$100.00	\$250.00
Susan Etheridge, LMSW	\$3,000.00	\$100.00	\$200.00

Evaluations generally require four to five months from the date of first interview to completion. For cases where an expedited evaluation is requested, there will be additional fees based on the case circumstances as staff will need to work outside of regular hours to complete the report. *It is not always possible to provide expedited evaluations and we offer no guarantees in this regard.*

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 Dr. Robb’s hourly rate. Refunds will be issued only if there is retainer remaining 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 may be made by check or money order made out to “Forensic Counseling Services” or “FCS” or electronically via Zelle (please see our web page for up-to-date payment links). Our office does not take debit or credit cards. Returned checks will be charged the maximum fee allowable under law. I understand I am responsible for any and all fees incurred by the evaluator and any and all work done by the evaluator in relation to this case.

**Other costs:** Each of the parties will be responsible for any fees for production of third party records or other information related to this evaluation. Time in administrative tasks is billed at the standard hourly rate. Copies of records produced by Forensic Counseling Services are billed at the same fee as charged by the Denton County District Clerk’s office. Cancellation of any appointment with less than 72 weekday hours prior notice will incur a one-hour service fee. After

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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 with the parties unless the court orders an update to be conducted.

**Child interview recordings:** If audio-visual recordings of child interviews are required, there will be an additional two-hour charge per child due to the additional processing, review, and storage such recordings require. If audio-only recordings are required, there will be an additional one-hour charge per child.

**Formal appearances:** For any requested court appearance, subpoenaed appearance, deposition, or participation in any type of settlement conference there will be an additional fee, as noted below, with a minimum charge of three hours for personal appearances, or a minimum charge of one hour for telephonic or Zoom appearances. Such fees are due at least one week before the scheduled appearance and are nonrefundable within a week of the scheduled appearance, as we must clear our schedule whether the hearing occurs or not. Please note if the fee is not received at least one week in advance there will be an additional \$250.00 express charge applied due to the late confirmation of the request. 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 \$350.00 express charge due to the lack of notice.

I acknowledge by signing this document that failure to provide the fee as specified constitutes release from the requested appearance.

Primary Evaluator	Court appearance fee (per hour)
Aaron Robb, Ph.D., LPC-S	\$400.00
All other staff	\$250.00

**Travel:** Interviews with adults will generally be conducted at the Forensic Counseling Services central office in Frisco. 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. There is no additional travel fee for work conducted in Collin or Denton counties. If it is necessary to travel outside of these counties, an additional travel fee may be charged. Travel time is charged per hour, rounded up to the nearest 15-minute increment, at half the standard hourly rate (above).

For evaluations requiring airline or overnight travel, 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 first class airfare, a hotel room, and a rental vehicle with gasoline reimbursement or rideshare fees. An additional travel retainer will be calculated based on expected travel time and expenses and is due before any travel arrangements will be made.

**Unanticipated costs:** 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

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procedures to assess fresh allegations or issues which were not included in the original retainer estimate; and other case specific factors. Should costs rise above the retainer estimate, the evaluator will notify the attorneys and the original retainer will be revised.

**Contacting the evaluator:** Other than telephone contacts regarding scheduling, communication to the evaluator outside of scheduled interviews should occur in writing to the mailing address or fax number above. The evaluator may respond in writing or by telephone as deemed appropriate. The evaluator may leave messages on whatever telephone or fax numbers are provided to them by the participants. Do not deliver information to the interview office except at scheduled interview times; it should be sent to the mailing address. Please do not attempt to contact the evaluator by e-mail; the evaluator generally reserves e-mail for communication with other professionals.

It is not the responsibility of the evaluator to serve as an intermediary for the exchange of documents. Any information provided to the evaluator should be disclosed to other litigants in a manner that complies with discovery procedures. Any copies of electronic records (e-mails, social media postings, etc.) submitted to the evaluator must be sent through attorneys of record for represented parties. The evaluator will not review any audio or video recordings unless all parties have agreed in writing for the evaluator to do so, the recordings have been admitted into evidence by the court, or the court has ordered such a review.

**Services not provided:** The evaluator is not providing, nor is the participant 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. The evaluator is not providing mediation, parenting coordination, parenting facilitation, or any other service outside of a child custody evaluation. 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.

The evaluator is not an attorney and cannot give legal advice. If there are questions regarding legal matters, participants should consult with an attorney. Any information provided by the evaluator is solely for the purpose of completing the evaluation as appointed by the court.

**Notice to Clients:** 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.

The outcome of the evaluation may or may not favor a participant's position or be something that participants agree with. 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.

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The program director is custodian of records for Forensic Counseling Services. In the event of the program director's death, incapacity, or termination of practice, custody and control of records maintained by Forensic Counseling Services will be turned over to Bradley Craig, LMSW or, in the event of Mr. Craig's death, incapacity, or termination of practice, other successors as selected by the program director.

**Insurance coverage:** Services provided in this case are for legal purposes rather than any type of health care or treatment intervention and thus are not covered by health insurance.

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.**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name