

CAUSE NO. XXXXXXXXXXXX

IN THE INTEREST OF	§	IN THE DISTRICT COURT OF
XXXXXX	§	XXXXXX COUNTY, TEXAS
A CHILD	§	XXX TH JUDICIAL DISTRICT

AGREED ORDERS FOR CHILD CUSTODY EVALUATION

Appearances

Petitioner, **PARENT**, appeared through her attorney of record, **ATTORNEY**, and announced the parties had reached an agreement.

Respondent, **PARENT**, has agreed to the terms of this judgment to the extent permitted by law, as evidenced by his signature and that of his attorney, **ATTORNEY**, appearing below.

Record

The making of a record of testimony was waived by the parties with the consent of the Court.

Jurisdiction

The Court, after examining the record and hearing the evidence and agreement of the parties, finds that all necessary prerequisites of the law have been legally satisfied and that this Court has jurisdiction over the parties and subject matter of this cause.

Child

The Court finds that the following orders for the safety and welfare of the child are in the best interest of the child. The child affected by this order is:

Name: **CHILD**
Sex:
Birth date:

Findings and Orders

The Court, having considered the circumstances of the parents and of the child, finds that the following orders are in the best interest of the child:

Child Custody Evaluation

IT IS ORDERED that the parties shall hire Cognitive Forensic Alliance PLLC to perform a custody evaluation and to make specific recommendations as it pertains to conservatorship, possession, and access of the children. Michael Decker, LPC is appointed the Lead Forensic Examiner in this evaluation and may enlist the consultation of Alissa Sherry, Ph.D., who will consult on various aspects of the evaluation, including the supervision required by the Texas Family Code Section 107.104 (b)(1)(B) and 107.104 (b)(2). Mr. Decker is herein referred to as the “Examiner” in this order. The court has determined that Mr. Decker and Dr. Sherry meet the qualifications set out in section 107.0511 of the Texas Family Code. Cognitive Forensic Alliance PLLC may also enlist the help of other consultants in an effort to fully understand the data collected in the evaluation, but these consultants will not be involved in the evaluation and recommendation process. The evaluation should include any comprehensive testing protocols, interviews with collaterals, review of medical and mental health records, Child Protective Services records, and any other evaluation techniques the Examiners deem appropriate.

IT IS ORDERED that Michael Decker, LPC.’s work will be supervised by Alissa Sherry, Ph.D. as part of her role at Legal Consensus, PLLC and as required of the Texas Family Code Section 107.104 (b)(1)(B) and 107.104 (b)(2). It is Mr. Decker’s sole responsibility to adhere to the rules and regulations of the Texas State Board of Examiners of Professional Counselors as well as aspects of the Texas Health and Safety Code that might be relevant to his work. Any violation of these rules on the part of Mr. Decker will not be the legal or ethical responsibility of Dr. Sherry. Further, IT IS ORDERED that Dr. Sherry will have access to Mr. Decker’s complete file in order to be able to fulfill her duty as supervisor.

IT IS ORDERED that the custody evaluation will include recommendations concerning conservatorship, including decision-making, rights, powers, and duties of each parent, the right to establish the primary residence of the child, and possession and access for the minor child or children that are the subject of this suit. The parties and/or the court have outlined the following issues to be specifically addressed in the evaluation:

- (a) **TO BE COMPLETED BY ATTORNEYS/PARTIES**
- (b)
- (c)

IT IS ORDERED that in addressing these issues, the evaluation will comply with Chapter 107, Subchapter D of the Texas Family Code. The Examiners shall perform and conduct any comprehensive psychological testing, including but not limited to both objective and projective testing as is deemed appropriate, as well as a study into the living circumstances and arrangements of the children in the home of both parties and options of conservatorship, possession of and access to the children and who should be allowed to carry out parenting decisions. Interviews of collateral persons and witnesses will be conducted, to the extent they are available and willing, as requested by either or both parties or deemed necessary by the Examiners, including any prior mental health and medical professionals who have seen and/or treated the children or the parents, in order fully to gather information and understand the circumstances of the children. The evaluation should include any comprehensive testing protocols, interviews with collaterals, review of medical and mental health records, home visits, and any other evaluation techniques the Examiners deem appropriate.

IT IS ORDERED that the Examiners may, at their discretion, make referrals to consulting mental health professionals for consultation or for performing additional tests as deemed necessary and appropriate in order to fully evaluate the children, the parties, or the circumstances of the children or the parties. In the rare instance additional testing or assessment is required but needs to be conducted by a more specialized professional, this professional may need to be added via agreed orders in the future. The incremental cost, if any, shall be disclosed to the parties in advance of the services being employed.

IT IS ORDERED that the parties shall fully cooperate with the Examiners. It is further ordered that such cooperation shall include, but not be limited to, ensuring that the parties and the children make all scheduled appointments on the earliest dates available, regardless of which party has possession of the children at the time of the scheduled appointment. Full cooperation includes the scheduling of appointments, prompt payment, participating in all sessions and in appropriate testing recommended by the Examiners.

IT IS FURTHER ORDERED that both parties shall provide any additional collateral information requested by the Examiners, and comply with all other requests made by the Examiners in order for them to conduct and complete the custody evaluation. IT IS ORDERED that the Examiners may consult with and/or interview any person they reasonably believe can provide relevant information, including other experts and/or fact witnesses.

IT IS ORDERED that each party is to execute all releases for the Examiners so they may gather information requested and have full access to all information including mental health records for the children and for both parties, law enforcement records, medical records, educational records and any other relevant records concerning the children or the parties. IT IS ORDERED that both parties shall execute all documents requested by the Examiners necessary for the release of all psychiatric, psychological, hospitalization, medication, and mental health treatment records and shall execute all HIPAA and other releases or documents requested by the Examiners within twenty-four (24) hours of a request. If Child Protective Services has been involved with the family, CPS is ordered to release a non-redacted copy of their file to Cognitive Forensic Alliance PLLC for the purposes of this evaluation. Cognitive Forensic Alliance PLLC is not permitted to release a copy of this non-redacted CPS file to anyone else, including the litigants or their attorneys in this case.

IT IS ORDERED THAT any mental health professionals involved with the family are ordered to release their entire file to Mr. Decker so he may review them for his evaluation. The parties agree these notes will not be released to either party through the discovery process unless indicated by a further order by the court

[YOU AND THE OTHER PARTY CAN AGREE TO INCLUDE THIS STATEMENT OR AGREE TO DELETE THIS STATEMENT. SOMETIMES MENTAL HEALTH PROFESSIONALS WILL BE MORE FORTHCOMING IF THEY BELIEVE THE CLIENTS THEMSELVES WILL NOT SEE THEM. IN ADDITION, YOU MAY FEEL COMFORTABLE ENOUGH WITH MR. DECKER'S REVIEW OF THE RECORDS ALONE AS THIS REVIEW WILL ALSO BE DOCUMENTED IN THE REPORT AND THEREFORE YOU MAY NOT FEEL THE NEED FOR THE ENTIRE FILE. NEVERTHELESS, THIS IS A CHOICE TO MAKE WITH THE OTHER PARTY]

IT IS ORDERED that each party shall contact Cognitive Forensic Alliance PLLC at 512-865-4232 before 5:00 p.m. on DATE to schedule an appointment. IT IS FURTHER ORDERED that the custody evaluation shall begin as soon as reasonably available.

IT IS ORDERED that at the conclusion of the evaluation the Examiners shall provide a written report to the court and counsel for each party, which shall include a detailed discussion of

the testing protocols administered and the results, any diagnoses ascribed by the Examiners, a summary of the information provided by each collateral and gathered from any other source, a summary of all records that inform the recommendations provided by the Examiners, and any recommendations to the court concerning what changes, if any, should be made in the right to establish the primary residence of the children, what changes, if any, should be made in the party's possession schedules, and what change, if any, should be made in designating which parent should be allowed to carry out parenting decisions. The report will also specifically address the issues or questions to be answered by the evaluation as outlined in this order. Cognitive Forensic Alliance PLLC shall not be required to release any raw data anyone other than a nonparty qualified licensed psychologist, who may not show or otherwise reveal the contents of the raw data to either party or to any party's counsel.

IT IS ORDERED that the cost of the evaluation shall preliminarily be allocated between the parties with **PARENT paying 50% and PARENT paying 50%** without prejudice to the ultimate apportionment of such costs by subsequent agreement of the parties or court order. It is further ordered that each party will pay for half of Cognitive Forensic Alliance PLLC Examiner's time spent interviewing the parties, contacting collaterals, speaking with attorneys, speaking with or evaluating the children, consulting with other professionals, or any other task performed by the Examiners in the course of this evaluation including any additional work requested following the completion of the report.

CHOOSE BETWEEN ONE OF THESE STATEMENTS:

IT IS ORDERED that the cost for the time of any Examiner named in this order for preparation for and participation in depositions, preparation for and testimony for hearing or trial, and a copy of the transcript of any testimony shall be paid equally by the parties, regardless of who has subpoenaed the Examiner or requests his/her presence. Payment is required in the form of a retainer, at least three weeks prior to services being rendered. Any remaining retainer will be returned equally to the parties.

OR

IT IS ORDERED that the cost for the time of any Examiner named in this order for preparation for and participation in depositions, preparation for and testimony for hearing or trial, and a copy of the transcript of any testimony shall be paid by the party seeking the

testimony. Payment is required in the form of a retainer, at least three weeks prior to services being rendered. Any remaining retainer will be returned equally to the parties.

IT IS ORDERED that, subject to the applicable rules of evidence, the Examiner's file (including notes, exhibits, correspondence, test interpretations and, to the extent it is not a violation of copyright law or applicable professional rules) shall promptly be made available to counsel for the parties upon written request. If the file is requested by one side, an identical copy will also be provided to the other side at the same time. The "raw data" in her file can only be made available to another qualified psychologist, but shall promptly be made available to that professional of the requesting counsel's choosing. The release of non-redacted CPS records is prohibited by law.

IT IS ORDERED that, provided the parties cooperate on a timely basis, Cognitive Forensic Alliance PLLC shall deliver the report to counsel for the parties and to the Court at least 30 days prior to the first day of trial. The report shall not be filed of record. If the report is provided to the Court, the Examiners shall be subject to cross examination by all counsel.

IT IS ORDERED that the Examiners may consult with the attorneys of record for the parties in this matter about the evaluation and opinion.

IT IS ORDERED that Cognitive Forensic Alliance PLLC shall be provided with a copy of this Order.

IT IS ORDERED that the report shall not be inappropriately disseminated, i.e. shall not be provided to non-party individuals, including the parties' child, without consent of the other party or leave of court except:

- a) the court, persons employed by the court, and stenographer's transcribing the testimony or argument at a hearing, trial, or deposition in this lawsuit or any appeal therefrom:
- b) counsel for the parties in this lawsuit, whether or not counsel of record, including in-house counsel, associates, legal assistance, paralegals, secretarial and clerical employees, and outside services (including, without limitation, copy services, litigation consulting services, document management services, and graphic services) who are assisting counsel in the prosecution, defense, or appeal of this lawsuit:
- c) independent expert consultants retained, employee, or consulted by counsel in connection with the prosecution, defense, or appeal of this lawsuit, including their secretarial and

clerical employees who are assisting in the prosecution, defense, or peeling this lawsuit;
and

d) individual parties solely for the purposes of prosecuting, defending, or appealing this lawsuit.

e) any mental health professional currently involved with the family or treating the family going forward.

Orders Remain in Effect

These agreed orders shall continue in force until further order of this Court.

Date of Order

SIGNED on _____, 2013.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

Petitioner

Respondent

Attorney for Petitioner

Attorney for Respondent