



**Policies and Informed Consent Governing  
the Provision of Forensic Psychological Services**

Please read and initial each section and sign at the end of this form. There are 8 pages to this form.

\_\_\_\_\_ **SERVICE.** Although this statement is provided as disclosure information for a person being interviewed or examined in a forensic matter, note that the retaining attorney or the court, and not any claimant, litigant, or other person or party, is to be considered the only client of Cognitive Forensic Alliance, PLLC, and any professional or support staff employed by Cognitive Forensic Alliance, PLLC. The “examiner” in your case includes the licensed professional counselor and any professional staff member assisting the licensed professional counselor with your evaluation. A forensic psychological service is an examination or consultation that is undertaken for potential legal, administrative, or personnel purposes and in the anticipation of possible litigation. This evaluation or consultation is not for the purpose of therapy and is not legally protected as a therapist-patient relationship. For example, Sec. 107.112(h) indicates that a person who participates in a child custody evaluation is not a patient as that term is defined by Sec. 611.001(1) in the Texas Health and Safety Code.

**Nature of Forensic Service:**

\_\_\_\_\_ **NATURE OF ANTICIPATED SERVICES AND PROCEDURES.** I have been provided and signed a copy of “Expectations of the Process” which outlines the nature of the anticipated services I will be receiving by Cognitive Forensic Alliance, PLLC.

\_\_\_\_\_ **SPECIFIC PURPOSE AND SCOPE OF EVALUATION.** The specific purpose and scope of my evaluation is outlined in my court order and has been reviewed by myself and Cognitive Forensic Alliance, PLLC. If I am unclear about the scope as it is outlined in my court order, I have clarified these concerns with my attorney and or the staff at Cognitive Forensic Alliance, PLLC.

\_\_\_\_\_ **PARTY REQUESTING EVALUATION.** This evaluation has been requested and ordered by the court or was a part of an agreed order between myself and opposing party in this case.

\_\_\_\_\_ **FEES.** Fee arrangements, if applicable, are described in a separate fee agreement. Fees payable by the responsible parties will include, but not be limited to, charges for test scoring, test interpretation, telephone contacts with the examiner, professional consultations, interviews, broken and canceled appointments, reviewing documents, preparing affidavits, research, reserving time for testimony, photocopying, professional consultation, and for assistant time. The responsible party will pay for all time and services, whether the time spent is initiated by that party, a claimant, an attorney, the examiner, or other persons or agencies relevant to the matter. This includes responsibility even if the time is spent on activities perceived as adverse to the outcome that you support or desire.

\_\_\_\_\_ **TYPES OF INFORMATION SOUGHT AND USES OF THIS INFORMATION.** Information gathered in this evaluation may include Information about your and/or your children’s mental health history, legal history, familial history, social history, developmental history, emotional history, parenting abilities, educational history, personality traits, vocational history, and military history. Collateral records will be requested from any source that may substantiate your claims or the claims of the opposing party, or provide

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relevant information about any of these domains of your functioning. Likewise, collateral interviews with relevant parties will be conducted for the same reasons. Psychological testing will be conducted to help understand how your personality, cognitive, and emotional functioning interacts with your decision-making, parenting, and behavior. You will also participate in interviews that will provide observational data for the examiner. This information will be collectively used to answer questions asked by the court or outlined in guiding issues identified through this process by you or the opposing party. The court is likely to use this information to make decisions about your parental fitness, access to your children, treatment recommendations, and conservatorship issues. In some cases, we will provide direct opinions about these issues as well to the court, depending on the nature of our appointment in your case. We will not provide information about custody or access to your children in forensic psychological evaluation appointments. Such custody recommendations will only be made in the course of a forensic custody evaluation. Please let us know if you are unclear which evaluation has been identified in your court order.

**PEOPLE OR ENTITIES TO WHOM PSYCHOLOGICAL RECORDS WILL BE DISTRIBUTED.** Due to the forensic nature of this evaluation, all professional and support staff will respond to subpoenas from attorneys engaged in the legal case at hand rather than insist on a court order. Therefore, *nothing you say or provide to Cognitive Forensic Alliance, PLLC is considered confidential.* Emails, documents, medical records, testing data and statements are subject to discovery through the subpoena process and may be disclosed through this process, through request for deposition, or through request for court testimony. If you are unsure about whether you should provide a document or a statement to your professional team at Cognitive Forensic Alliance, PLLC, please consult with your attorney. When the forensic mental health professionals are court appointed experts, all attorneys will be cc'd on correspondence about substantive issues arising in your case. Section 107.112 of the Texas Family Code indicates that we are required to make available a copy of our file related to your case for either attorney/party that requests such in writing. The code does not mandate the requirement of a subpoena for these records. However, this provision only relates to custody evaluations, not other forensic evaluations like forensic psychological evaluations. For forensic psychological evaluations, Cognitive Forensic Alliance, PLLC will respond to requests made via subpoena for a copy of the file and will accept service via email. In either case, this means your attorney will receive a copy of all documents related to your case, including those of the opposing party. Likewise, the opposing party's attorney will receive a copy of all documents related to your case, including documents pertaining to you. This may include information otherwise considered to be Protected Health Information such as mental and physical health records. Child Protective Services records are not covered under this provision and will not be disclosed regardless of where the request originates, the type of forensic case you have, or the manner in which it is requested. Release of CPS records is a Class A misdemeanor. You are not to release reports generated by the Cognitive Forensic Alliance PLLC office to anyone other than your legal representative or your own personal therapist unless otherwise instructed by the court. Under no circumstances should your report or the report of your child's other parent be shown or shared with your child(ren). In criminal cases, there is likely to be a request to review the underlying basis for an opinion. As such, your file may be subpoenaed and our office would comply with that subpoena and release your file. When the forensic mental health professional's role is as a consultant, his/her notes, underlying bases for an opinion, and other aspects of his/her file is only discoverable if the forensic mental health professional is asked to testify or render any opinion, in written or oral form, to the court. Whether or not the forensic mental health professional testifies or becomes 'discoverable' is up to the retaining attorney. Otherwise, your relationship with the forensic mental health professional is protected under attorney-client work product privilege until such time that the forensic mental health professional is asked to testify. At that point, anything you may have told the forensic mental health professional is discoverable and no longer protected under attorney/client privilege. You agree to speak to your attorney if you have any questions about whether the forensic mental health professional is a consultant or discoverable expert prior to engaging in work with Cognitive Forensic Alliance, PLLC or its professionals.

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Finally, because of provisions of the Code of Ethics of the American Psychological Association, the examiner is not permitted to provide to you or your attorney copies of psychological tests themselves, psychological test data, or copies of the computer-generated results of those tests. If such review is recommended by your attorney, you understand you will need to retain another qualified psychologist in order to engage in such a review. All other aspects of your file can be released to your attorney if requested. If a request is made by one side for the file, it is Cognitive Forensic Alliance, PLLC policy to provide an exact copy to the other side at the same time.

Records are maintained for seven years after your final trial or three years after your youngest child reaches the age of 18, whichever is greater.

**APPROXIMATE LENGTH OF TIME REQUIRED TO PRODUCE ANY REPORTS OR WRITTEN RESULTS.** If a report is required in your case, the completion of forensic psychological evaluations typically takes about 3 or 4 months provided all parties are compliant with their appointments. For custody evaluations, the process takes about 6 months. The factors that contribute to significant delays in the process are 1) number of parties to be evaluated and tested; 2) large numbers of collateral calls or extensive mental health records; 3) noncompliance or resistance on the part of one of the parties to make appointments in a timely manner or keep them; 4) nonpayment of retainer replenishment requests. Reports are provided to your attorney at least 30 days prior to your trial date. If the report has not been completed because of any of these delay issues, your trial may need to be rescheduled.

**CONFIDENTIALITY AND ACCESS TO RECORDS.** The laws of the State Texas require that most issues discussed in the course of professional therapeutic contact with a psychologist be privileged. However, since this is a forensic context, that therapeutic privilege is not applicable. The examiner may accumulate and exchange any and all information with any person that the examiner reasonably believes may be relevant to this consultation. This release also includes the examiner's use of professional test scoring services, professional court reporting services, use of professional assistants, and other professional consultation as deemed advisable by the examiner. If this forensic examination is being conducted outside Texas, this is with the consent of the person examined, with the understanding that the examiner's practice will be consistent with the licensing laws of the State of Texas. You are aware that your interview statements will be included in any final report generated by Cognitive Forensic Alliance, PLLC and available to the court and litigating parties. All disclosures are for the purpose of a forensic evaluation. This is not therapy. The Cognitive Forensic Alliance, PLLC professional and support staff may speak to or share information with both parties' attorneys before, during, and after the evaluation process is complete, including information about you to opposing counsel and vice versa. Your signature below provides your express authorization for such communication. Additional information about access to records is provided in the section entitled "*PEOPLE OR ENTITIES TO WHOM PSYCHOLOGICAL RECORDS WILL BE DISTRIBUTED.*" If your case has already settled and you are no longer in litigation, you can request your records individually by signing a release and requesting such in writing. However, any records pertaining to the opposing party in such cases will not be included and/or will be redacted from any documentation provided to you. If the forensic mental health professional associated with your case suspects that the purpose of such request is not in the best interest of the child, the forensic mental health professional reserves the right to request such a restriction from the judge prior to providing a copy of the file.

\_\_\_\_\_ **I understand that the laws of the State of Texas may still require disclosure of otherwise privileged information to other agencies in the following situations:**

- If you or your child is a danger to your/his/herself or others either through willful acts, severe impairment in functioning, or stated intent to hurt your/him/herself or another person.

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- If your child is under the age of 16 years and are the victim of a crime.
- If the examiner suspects the physical, sexual, emotional abuse or neglect of a minor, a dependent, a person aged 65 or over, or a vulnerable adult. This may apply to the examinee, children, parents or other individuals identified during conversations.
- If you file suit against the examiner for breach of duty or the evaluator files suit against you.
- If you have filed suit against anyone on behalf of your child and have claimed mental/emotional damages as part of the suit.
- Any insurance company paying for services has the right to review all records.
- Any disclosure that a former therapist has behaved in a sexually inappropriate manner towards your child. In such cases, the client's identity may be concealed. However, a report to the licensing board and possibly to law enforcement must be filed outlining the offending therapist's behavior.
- You waive your rights to privilege or give consent to limited disclosure by your therapist
- If there is an order issued by the court for counsel or the court to review records.
- In response to a subpoena for these records.
- If you are a minor and your parents are consenting for your evaluation. In such cases, parents, the minor, and the evaluation will mutually agree on the boundaries of confidentiality at the outset of the evaluation. However, it is important to understand that ultimately, parents do have a legal right to review records. Exceptions to this include minors 16 years old or older who are seeking treatment independently for treatment related to suicidal concerns, substance abuse concerns, physical abuse, or sexual abuse. Emancipated minors are also excluded from this limitation on confidentiality.

**TESTIMONY AND WRITTEN REPORTS.** Reports and/or testimony are provided if requested by the court and/or parties. It is reasonable to assume that if you have been court ordered to participate in an evaluation, that written reports are highly likely as is testimony in the form of deposition or court testimony. If your case settles prior to the report or evaluation being completed, no report and no opinions/testimony will be provided. Final reports will be released to the attorneys representing the parties, any Guardian ad Litem representing the best interests of the child(ren), and the court unless specifically noted otherwise in the court order. If you are representing yourself pro se, the final report will be released to you. You understand if the opposing party is representing him/herself pro se, your report will be released directed to this party. Reports will be reviewed between you and your attorney. Written reports are not always necessary but may be requested by an attorney or the court. Written reports may require weeks to prepare because report writing usually takes at least six to eight hours per adult involved and is scheduled just as an appointment. Report preparation and writing time will only be scheduled after tests and written materials have been returned, adequate information has been provided, and all related accounts are paid in full, including all estimated charges for the report(s) or testimony. It is your responsibility to comply with the preceding requirements so as to allow the examiner adequate time to prepare and provide results and other legal consultations. Understand that for forensic evaluations involving more than one party (two parents, a parent and a child, or a custody evaluation for example), these findings will be presented in one report. In other words, your results will be in the same report as the results of the other party. Reports are provided to the attorneys and/or the court, not directly to the examinees unless the examinee is representing oneself pro se (without a lawyer). Your attorney will schedule time with you to review your report. At times, Cognitive Forensic Alliance, PLLC may need to provide an evaluation for an examinee that refuses aspects of the evaluation process or otherwise fails to participate fully. Our administrative code allows for such reports to be written, provided we document the efforts made in trying to complete the evaluation, clarify the probable impact on the reliability and validity of our findings due to having only limited information and include a statement outlining what contact, if any, was made with an examinee.

\_\_\_\_\_ **LICENSEE'S NAME AS IT APPEARS WITH TSBEP.** The supervising licensed professional

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counselor for Legal Consensus, PLLC is Michael J Decker, LPC. Cognitive Forensic Alliance, PLLC employs a number of support staff and other professionals that may be involved directly or indirectly in your case. Professional staff are licensed, provisionally licensed, or supervised forensic mental health professionals. Support staff is administrative in nature or project managers for Cognitive Forensic Alliance, PLLC. These individuals may provide a number of functions in your case including interviews, collateral calls, record review, statistical support, report writing, test administration/ interpretation, home visits, or any other function required in your case. These individuals are supervised by the lead member on your case who takes ultimate responsibility for the work product produced in your case.

\_\_\_\_ **SUPERVISION OF CUSTODY EVALUTION SERVICES.** Michael Decker, LPC is directly supervised by Alissa Sherry, Ph.D., a Licensed Psychologist, to meet the requirements of the Texas Family Code: Sec. 107.104 (1)(B).. She will have access to your file and will meet with Mr. Decker regularly to discuss your case. If you have any questions about her role, Mr. Decker’s work as it relates to your case, or any other concerns, she can be reached at 512-791-4800 or [asherry@legalconsensus.com](mailto:asherry@legalconsensus.com).

**Additional Cognitive Forensic Alliance Policy and Informed Consent Information**

\_\_\_\_ **OPINIONS ADVERSE TO YOU.** The examiner's time and service is provided as an independent forensic mental health professional and consultant to either the court or the retaining attorney. The examiner may form and provide findings, impressions, opinions, conclusions, and recommendations regarding the forensic issue at hand. The examiner will not necessarily write a report nor provide testimony on your behalf and will not necessarily advocate for any particular outcome that you support or desire. *To the contrary, findings, impressions, opinions, conclusions, and recommendations are independent and may be adverse and detrimental to any party.* It is possible the parties and/or their attorneys may disagree with the forensic mental health professionals’ observations/ findings/opinions/recommendations and, in relation, may not perceive them as accurate and/or helpful to the case. Furthermore, it should be emphasized that absolutely no guarantees can be made regarding the extent to which the forensic mental health professionals’ involvement in your case may aid the retaining attorney and/or client(s) in obtaining their desired outcome.

\_\_\_\_ **COMPLAINTS.** Complaint procedures can be found at the Texas State Board of Examiner’s of Professional Counselor’s website at <https://www.dshs.texas.gov/counselor>. The Board’s address is “Complaints Management and Investigative Section”, P.O. Box 141369; Austin, TX. 78714. The phone number for the Board is 800-945-5540. Any complaints filed during the course of an evaluation will be reported to the court/judge that ordered your evaluation within 30 days of receiving notice from the Board. This is required by law for custody evaluations, but will also be reported for any forensic evaluation ordered by the court. The examinee takes full responsibility for any concerns that the court might have that such complaints may be filed for litigation strategy purposes or retaliation rather in good faith. If you are considering filing a complaint during the course of litigation, we encourage you to consult with your attorney first and/or feel free to reach out to our office with your attorney to resolve your concerns informally.

\_\_\_\_ **APPOINTMENTS.** Appointments are scheduled during regular business hours and according to the professional’s availability. The first available appointment is 9am. The last appointment scheduled for the day is at 3pm and these are most often reserved for children who are otherwise in school during the day. If you work regular work hours, you will need to take off work to complete this evaluation. Any home visits required for your case will also be conducted during regular business hours and thus necessitates you and your child(ren) be home during this time. It is up to the individual professional as to whether they take late hours or weekend appointments, but it is not common. It is important for you to be on time for your appointments. Once thirty minutes of time has elapsed, the appointment will be considered to be “missed” and you will need to reschedule. A fee will apply as outlined by the fee agreement. Cognitive Forensic Alliance, PLLC is happy to

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provide you with documentation of your visit for your employer or school if needed. These appointment policies do not apply to criminal matters in which the forensic mental health professional may need to evaluate a litigant while incarcerated.

\_\_\_\_\_ **PHONE CALLS.** A staff person may or may not be working during the time you call. It is our goal to return phone calls within 24 hours. However, in some cases, phone calls may not be returned for up to 72 hours. Please be patient with this process. You may also email Michael Decker directly at [mdecker@cognitivefa.com](mailto:mdecker@cognitivefa.com). However, please reserve this for scheduling appointments and forwarding information about your case. All emails are discoverable in the litigation process. Extensive dialogue should be done in person or on the phone. Not all phone calls are documented in the client's record.

\_\_\_\_\_ **EMERGENCIES.** The 24-hour office phone number may be used to leave messages about a crisis or an emergency that may require rescheduling of an appointment. However, the examiner's office is not expected or intended to respond to clinical or legal emergencies and it is unlikely that the examiner will get the message and return a phone call until the next business day or potentially up to several days later. The role of the examiner in a forensic examination is incompatible with that of providing therapy. The provision of therapy (of which crisis intervention is a type) is not part of the service of the forensic examination. Keep available the phone number of your area's crisis clinic, local emergency room, police department and your therapist or attorney in the event of a clinical or legal emergency. While we encourage you to notify your lead forensic evaluator of such events, it is outside the scope of this office or our staff to serve as crisis managers.

\_\_\_\_\_ **THERAPY.** This is a very stressful time for you and/or your family. Cognitive Forensic Alliance, PLLC encourages you to seek your own personal therapy, pending the advice of your attorney. The signing of this document does not require you to attend therapy, it merely indicates you have been informed that therapy has been suggested as a method of coping with your situation.

\_\_\_\_\_ **COLLATERAL DATA.** As part of conducting a forensic evaluation or consultation, the examiners may conduct collateral interviews with and exchange information with persons who may have information that may be relevant to this matter. This may include individuals you may not want us to speak to such as prior spouses or friends who do not otherwise have a protected relationship with you. If you do not have a legally protected relationship with these persons, such exchanges may occur without your specific consent. Through your consent or through the legal discovery process, the examiners may obtain confidential records from professional persons who may have information that may be relevant to this matter. Through your consent, or by virtue of court order, the examiners may conduct collateral interviews with persons with whom you have a legally protected relationship, such as your therapist or physician. Please refer to the "Consent to Release Information..." form for specific information to be requested from privileged and professional persons and facilities. If the examiners have been retained by an attorney in this matter, this consent is specifically not a waiver of any attorney-client privilege or attorney work-product privilege, should either of such privileges otherwise be available or in effect. During these conversations, some limited information about your case may be disclosed to these collaterals in order to facilitate the data collection process. Notes are taken during these interviews and may potentially be disclosed during the discovery process. The examiner reserves the right to make the final decision on which collaterals are contacted and what documents are collected for this process.

\_\_\_\_\_ **PSYCHOLOGICAL TESTING.** During the course of the evaluation, either you or your child will be interviewed, may take standardized psychological tests, and observations will be made of your/his/her responses. In family law cases, a child's parents/guardians will also be interviewed and observations will be made of these individuals as well. These procedures are standardized and will take place under specific testing conditions. This release acknowledges that you understand it is important to do your best. If for any reason you do not feel that you can do your best, you agree to inform the examiner so that you and the examiner can

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terminate the evaluation and reschedule at a time that you are likely to feel more comfortable. If you become tired during the course of the evaluation, do not hesitate to tell the examiner so that you can be given an opportunity to stretch, walk around, or to take a break. You agree to inform the examiner if you become hungry, thirsty, sleepy, or in any way uncomfortable. There are measures built in to the tests that assess the validity of the responses and level of cooperation. This release acknowledges that you understand that if you do not do your best these various validity measures may identify uncooperative, inconsistent, or purposely distorted responses. Initialing this box also indicates that you have not made an attempt to coach yourself or your child through this testing process, have not attempted to memorize certain responses or answers, and have not otherwise researched (through the Internet or otherwise) ways to ‘beat’ the test. If you have done any of these, you agree to inform the psychologist so that the appropriate care can be taken in interpreting your results. You also acknowledge that such methods are not considered reliable ways to approach the evaluation process and may lead to erroneous conclusions that may do more harm than good to the outcome of your evaluation.

\_\_\_\_\_ **RESULTS.** Because of the forensic nature of these evaluations, traditional feedback sessions are not a part of this process. However, Cognitive Forensic Alliance, PLLC is happy to work with another licensed professional, such as your therapist, to help provide you with feedback about the report if you wish to use its contents for personal growth in some manner, after your case has settled. Information regarding the findings of the report for fact-finding purposes should be obtained through the legal process, either through deposition, court hearing, or through conversations between your attorney and the examiner, not through feedback sessions with therapeutic purposes.

\_\_\_\_\_ **CONFLICT OF INTEREST.** Section 107.107 of the Texas Family Code requires that we disclose any conflicts of interest and bias to potential examinees. Cognitive Forensic Alliance, PLLC does not take cases where the Lead Forensic Examiner or any member of the Consensus Approach team has any prior relationship, of any kind, with the examinees referred for evaluation or their extended families. While every attempt is made to rule out these conflicts of interest prior to accepting an appointment, if at any time such a conflict is discovered, this will be immediately disclosed to you, the other party, the attorneys and the court and a decision to transfer your case to another examiner may very well need to be made. The Texas Family Code does allow for the ability of Cognitive Forensic Alliance, PLLC to work with a family to bring up to date a previously completed custody evaluation, as such a relationship is not considered a change of capacity or conflict of interest.

Cognitive Forensic Alliance, PLLC does not accept cases in which anyone on our staff has an already existing pecuniary (financial) relationship with any attorneys associated in this case. This does not include other consulting or evaluation cases in which a law firm associated with your case might retain a Cognitive Forensic Alliance, PLLC employee for the purposes of providing professional services in another case. The employees of Cognitive Forensic Alliance, PLLC have provided consultation and evaluation services in the Central Texas area for some time, and as such, have worked with a number of attorneys multiple times. As such, attorneys and their staff are present on social media outlets for the purposes of marketing and the staff of Cognitive Forensic Alliance, PLLC often interface with multiple attorneys and their staff at professional and social gatherings from time to time. These are considered to be professional relationships, not “relationships of confidence or trust” per se, which we deem to have a much higher bar. Nevertheless, Cognitive Forensic Alliance, PLLC will not accept cases where the Lead Forensic Examiner is a close, personal friend of one or both of the attorneys representing the parties. Cognitive Forensic Alliance, PLLC keeps a log of all cases and associated attorneys. If there are any concerns, this log is available upon request.

Cognitive Forensic Alliance, PLLC has a policy against employees connecting with examinees, past and present, on any social media forum. Please understand if you send a friend request, these will not be

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acknowledged for confidentiality reasons and it has no reflection upon our desire to be friendly and amicable towards you.

\_\_\_\_\_ **CONSULTATION WITH LEGAL COUNSEL.** By signing this agreement, you acknowledge that you have had an opportunity to consult with your attorney about this forensic examination, including the possibility that there may be things included in the report that may be difficult to read or that may adversely impact your case.

**I have read and fully understand the preceding description and conditions of my or my child's participation in a forensic examination. I agree to this participation and consent to the conditions described herein. I similarly agree and consent to the examination myself, as legal guardian, to the extent that is relevant in providing an accurate assessment of myself or my child.** I have had the opportunity to consult with an attorney on this matter if I desire. I fully understand the rights, privacy, and privileges that I waive by signing this agreement. In consideration of the examiner's agreement to perform this service, I release them, and release each person and each entity, from any liability that might directly or indirectly result from the exchange of any information described in this agreement. There are no oral agreements that may supersede this written policy statement on this matter. Any modification of the terms of this statement must be in writing and must be signed by the examiner and the retaining attorney. The examiner, in agreeing to provide this examination or consultation, is specifically relying on your agreement to abide by each of the terms of this statement. By proceeding with the examination, you are consenting to do so.

**I agree that this is a legally binding document.**

Signed: \_\_\_\_\_

Cognitive Forensic Alliance PLLC  
Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Examinee or responsible adult

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Attorney Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Names of child(ren) if child(ren) is/are also to be examined

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