

David B. Franklin, PhD, LCSW

A BOARD CERTIFIED EXPERT IN TRAUMATIC STRESS
A BOARD CERTIFIED EXPERT IN DOMESTIC VIOLENCE
A BOARD CERTIFIED SPECIALIST IN CLINICAL SOCIAL WORK

MEMORANDUM OF UNDERSTANDING (MOU)

TO: PETITIONER/RESPONDENT (NAME INTENTIONALLY LEFT BLANK)
FROM: DAVID B. FRANKLIN, PH.D., LCSW
SUBJECT: COURT ORDERED SOCIAL STUDY (COSS)
DATE: JANUARY 15, 2010

- 1) I HAVE BEEN APPOINTED BY BEXAR COUNTY TO CONDUCT A SOCIAL STUDY REGARDING THE CIRCUMSTANCES AND CONDITIONS OF YOUR CHILD(REN), WHO ARE INVOLVED IN THIS CUSTODY DISPUTE, AND INTO THE HOMES OF THOSE PARTY'S SEEKING CUSTODY OF THE CHILD(REN). THE PURPOSE OF THIS EVALUATION IS TO PROVIDE A RECOMMENDATION TO THE COURT ABOUT CUSTODY AND POSSESSION TIME FOR YOUR CHILD(REN). THE FINAL DECISION IS REACHED THROUGH INDIVIDUAL INTERVIEWS, HOME VISITS, COMPLETION OF QUESTIONNAIRES, DATA RECEIVED FROM COLLATERAL REFERENCES, AND OTHER RELEVANT INFORMATION COLLECTED THROUGHOUT THE INVESTIGATIVE PROCESS.
- 2) THERE IS NO CONFIDENTIALITY WITH COURT ORDERED SOCIAL STUDIES. THIS MEANS THAT THE OTHER PARTY'S ATTORNEY CAN ACCESS ANY INFORMATION YOU PROVIDE TO ME. FURTHERMORE, YOU CANNOT CLAIM LEGAL "PRIVILEGE" IN OUR RELATIONSHIP.
- 3) DURING THE INVESTIGATION PROCESS, I WILL REVIEW ANY MATERIAL YOU WANT TO BRING OR SUPPLY TO ME. HOWEVER, I PREFER THAT YOU FIRST OBTAIN YOUR ATTORNEY'S PERMISSION BEFOREHAND, IF POSSIBLE. I REQUIRE THAT YOUR ATTORNEY APPROVE ANYTHING SUBMITTED TO ME BEFORE PROVIDING IT TO ME. ALTHOUGH WE WILL BE WORKING TOGETHER, SOME OF MY DEALINGS ON YOUR CASE WILL BE DIRECTLY WITH THE TWO ATTORNEYS INVOLVED AND IT IS IMPORTANT THAT THEY ARE KEPT APPRISED AHEAD OF TIME OF THE MATERIAL YOU ASK ME TO REVIEW. THEREFORE, IF YOU BRING ME MATERIAL OF WHICH YOUR ATTORNEY IS UNAWARE, I WILL NOT REVIEW IT UNTIL YOU OBTAIN YOUR ATTORNEY'S EXPLICIT PERMISSION.
- 4) THE COST OF THIS EVALUATION WILL BE ABOUT \$2,000.00. THIS DOES NOT INCLUDE THE COST OF ADDITIONAL EXPENSES RELATED TO DEPOSITIONS, COPYING COSTS, TESTIFYING IN COURT, AND DOES NOT INCLUDE TRAVEL EXPENSES (I.E., AIR FLIGHT, HOTEL, OR OTHER RELATED EXPENSES). DEPOSITION AND TESTIFYING COSTS ARE BILLED AT \$150.00 PER HOUR (WHILE ON THE STAND); WAITING TIMES ARE BILLED AT \$80.00 PER HOUR. TRAVEL EXPENSES ARE BILLED AT \$80.00 PER HOUR. WHEN REQUIRED, THESE COSTS WILL BE PAID UPFRONT (BEFORE TRAVELING, TESTIFYING, SUBMISSION OF REPORTS, ETC) IN THE FORM OF A \$300 RETAINER.

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5) MY HOURLY FEES ARE AS FOLLOWS:

CONSULTATION SESSION (50 MIN) \$150.00
COURT TESTIMONY OR DEPOSITIONS (PER HOUR) \$150.00
WRITTEN REPORTS TO THE COURT (PER HOUR) \$150.00
HOME VISITS (INCLUDES TRAVEL TIME/PER HOUR) \$150.00
TELEPHONE CONSULTATIONS (BILLED IN 1/4 HOUR MINIMUM) \$150.00
PER HOUR
VIDEO OR AUDIO TAPE REVIEW (BILLED IN 1/4 HOUR MINIMUM) \$150.00
PER HOUR

6) EXPENSES FOR FORENSIC EVALUATIONS ARE NOT USUALLY COVERED BY INSURANCE POLICIES. I DO NOT BILL (OR COORDINATE) THESE EXPENSES WITH INSURANCE COMPANIES. THEREFORE, I DO EXPECT AT LEAST THE FIRST HALF OF THE TOTAL AMOUNT TO BE PAID AT THE ONSET OF THE EVALUATION (I.E., THE SECOND MEETING AT THE LATEST) AND THE REMAINDER PAID BEFORE COMPLETION OF THE REPORT. I EXPECT THAT THE FULL AMOUNT OF THE EVALUATION WILL BE PAID BEFORE THE REPORT IS FILED WITH THE COURT. UNDER GENERAL CIRCUMSTANCES, I MAKE EVERY EFFORT TO COMPLETE THESE EVALUATIONS WITHIN 60 - 90 DAYS. I DO UNDERSTAND, IN SOME INSTANCES, THERE IS A DEMAND FOR A MORE URGENT TIMEFRAME. WHEN SUCH SITUATIONS OCCUR, I WILL DO MY BEST TO ACCOMMODATE THAT TIMEFRAME, BUT MAKE NO GUARANTEE TO MEET THAT DEMAND OR REQUEST. ACCORDING TO THE BEXAR COUNTY DIRECTIVE, THE COMPLETION DATE IS NO LATER THAN 90 DAYS.

7) I WILL NEED YOU TO SIGN RELEASES OF INFORMATION SO THAT I CAN TALK TO YOUR ATTORNEY AND POSSIBLY, WITH OTHER PEOPLE WHO CAN PROVIDE INFORMATION RELEVANT TO YOUR CASE. I WILL LET YOU KNOW WHOM I MIGHT WANT TO TALK TO AS WE CONTINUE THE SOCIAL STUDY PROCESS.

8) I WILL NEED YOU TO COMPLETE AND RETURN THE FAMILY QUESTIONNAIRE AND THE SEVERAL OTHER QUESTIONNAIRES THAT I GAVE YOU AT OUR FIRST MEETING AS SOON AS POSSIBLE. IT IS YOUR RESPONSIBILITY TO GET THIS MATERIAL BACK TO ME IN TIME TO BE INCLUDED IN THE REPORT. IF YOU DO NOT RETURN THIS MATERIAL TO ME IN A TIMELY MANNER, IT WILL NOT BE INCLUDED IN THE EVALUATION REPORT.

9) I ALSO NEED YOU TO GIVE ME PERMISSION TO TALK TO AT LEAST THREE (3) PEOPLE WHO CAN BE COLLATERAL WITNESSES FOR YOU IN TERMS OF YOUR SITUATION WITH AND THE OTHER PARTY. I WOULD RECOMMEND THAT SOME OF THESE ARE FAMILY MEMBERS AND SOME BE NON-FAMILY MEMBERS. PLEASE CHECK WITH THESE PEOPLE AHEAD OF TIME TO BE SURE THEY ARE

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WILLING TO TALK TO ME AND TO BE SURE THEY UNDERSTAND THAT THEIR
CONVERSATIONS WITH ME ARE VOLUNTARY, BUT ARE NOT CONFIDENTIAL.

- 1 0) PLEASE PROVIDE ME WITH THESE PEOPLE'S NAMES, ADDRESSES, AND TELEPHONE NUMBERS IN TIME TO HAVE THEIR OPINIONS INCLUDED IN THE REPORT. IF YOU DO NOT RETURN THIS MATERIAL TO ME IN TIME, IT WILL NOT BE INCLUDED IN THE EVALUATION REPORT.
- 1 1) AS MENTIONED EARLIER, THIS EVALUATION WILL CONSIST OF INDIVIDUAL INTERVIEWS WITH EACH OF YOU AND WITH YOUR CHILDREN— BOTH ALONE AND TOGETHER. I WILL ALSO TALK TO COLLATERAL WITNESSES, WHOSE NAMES/NUMBERS YOU PROVIDE, AND I WILL MAKE A HOME VISIT TO EACH PARTY'S HOUSE. SPECIFICALLY, YOU CAN EXPECT TO HAVE AT LEAST THREE FACE-TO-FACE MEETINGS WITH ME, WITH EACH MEETING BEING APPROXIMATELY 1 TO 2 HOURS IN LENGTH. PLEASE BRING ANY INFORMATION TO THESE SESSIONS THAT YOU BELIEVE WILL BE HELPFUL IN THE INTERVIEW (I.E., LEGAL PAPERS, POLICE REPORTS, DIARIES, PHOTOGRAPHS, ETC.). AFTER THESE INTERVIEWS ARE COMPLETED, I WILL CONDUCT A HOME VISIT TO YOUR RESIDENCE WHILE YOUR CHILDREN ARE IN YOUR POSSESSION. IT IS ALSO IMPERATIVE THAT WHOEVER ELSE LIVES OR STAYS IN THE HOME MUST BE PRESENT. THE HOME VISIT CAN TAKE ANYWHERE FROM 2 HOURS OR LONGER. (IF IT BECOMES NECESSARY FOR ME TO TRAVEL OUTSIDE OF BEXAR COUNTY, YOU WILL BE EXPECTED TO PROVIDE TRANSPORTATION AND HOTEL COSTS, IF APPLICABLE).
- 1 2) DURING THE HOME VISITS, I WILL INTENTIONALLY MEET WITH YOUR CHILD(REN). I MAY ALSO WANT TO INTERVIEW THEM IN MY OFFICE AFTER THE HOME VISITS HAVE BEEN COMPLETED. OCCASIONALLY, WHEN BOTH PARTIES ARE IN AGREEMENT, I MAY ASK FOR YOU AND THE OTHER PARTY IN THE SUIT TO PARTICIPATE IN A CONJOINT SESSION. THE INTENTION OF THIS SESSION IS TO SEE IF WE CAN RESOLVE THE CUSTODY AND POSSESSION TIME TO CREATE A WORKABLE PARENTING PLAN FOR EACH PARTY. IF PARENTING TIME ARRANGEMENTS ARE NOT RESOLVABLE, I WILL PROCEED WITH CHECKING COLLATERAL REFERENCES AND WRITING A REPORT AND FINAL RECOMMENDATION TO THE COURT. IF I AM ASKED TO TESTIFY IN COURT AND/OR DEPOSED AFTER MY REPORT HAS BEEN SUBMITTED, MY FEES ARE \$150.00 PER HOUR AND IS TO BE PAID BY THE PARTY SUBPOENAING OR DEPOSING ME. A TWO-HOUR RETAINER IS REQUIRED TO BE PAID PRIOR TO MY TESTIMONY BEING PROVIDED.
- 1 3) ALSO, AS A PART OF THE COURT-ORDERED SOCIAL STUDY (COSS) EVALUATION, YOU ARE REQUIRED TO OBTAIN A CRIMINAL BACKGROUND CHECK AND/OR BE FINGERPRINTED BY THE CENTRAL RECORDS DIVISION OF BEXAR COUNTY. (YOU WILL ALSO BE REQUIRED TO HAVE A CENTRAL REGISTRY

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CHECK WITH TEXAS DEPARTMENT OF REGULATORY AND PROTECTIVE SERVICES). BOTH OF THESE BACKGROUND CHECKS NEED TO BE PROVIDED TO THIS OFFICE BEFORE THE SOCIAL STUDY INVESTIGATION CAN BE COMPLETED. THESE BACKGROUND CHECKS ARE MANDATORY (AND WERE ADOPTED BY THE BEXAR COUNTY JUVENILE BOARD ON JUNE 26, 2003).

- 14) TO OBTAIN A CRIMINAL BACKGROUND CHECK AND/OR BE FINGERPRINTED, YOU WILL NEED TO GO TO 200 N. COMAL, CENTRAL RECORDS. THERE WILL BE A SMALL FEE REQUIRED. YOU CAN OBTAIN PRICING INFORMATION BY CALLING 210-335-6323. TO OBTAIN THE CENTRAL REGISTRY CHECK WITH TEXAS DEPARTMENT OF REGULATORY AND PROTECTIVE SERVICES, PLEASE FILL OUT THE CENTRAL REGISTRY CHECK FORM. PLEASE HAVE IT NOTARIZED AND SEND IT TO THE ADDRESS ON THE TOP OF THE FORM. ADDITIONALLY, MAKE SURE MY NAME AND ADDRESS ARE LISTED AS THE DESIGNEE FOR THE RESULTS.
- 15) IF YOU HAVE ANY QUESTIONS OR SITUATIONS THAT COME UP THAT YOU BELIEVE I SHOULD KNOW ABOUT, PLEASE CALL ME. MY OFFICE NUMBER IS (210) 490-2648. MY OFFICE HOURS ARE MONDAY THROUGH FRIDAY, FROM 8:00 A.M. TO 5:00 P.M. YOU ALSO CAN E-MAIL ME IF YOU WANT, MY EMAIL ADDRESS IS DRFRANKLIN@DRFRANKLIN.NET. HOWEVER, PLEASE REMEMBER THAT E-MAILS ARE NOT CONFIDENTIAL AND WOULD BE PART OF YOUR FILES THAT ARE ACCESSIBLE BY THE COURT AND THE OTHER PARTY'S ATTORNEYS.
- 16) YOUR SIGNATURE REPRESENTS YOUR UNDERSTANDING OF MY FEES AND THAT YOU ARE RESPONSIBLE FOR THE PAYMENT OF FEES (INCLUSIVE AND/OR EXCLUSIVE OF A COURT ORDER). PLEASE SIGN BELOW.
- 17) PLEASE CONTACT ME AS SOON AS POSSIBLE TO SET-UP YOUR FIRST APPOINTMENT. I LOOK FORWARD TO MEETING AND WORKING WITH YOU.

AGREED BY: _____ DATE: _____

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SINCERELY,

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