

INFORMATION ABOUT GUARDIANSHIP & CONSERVATORSHIP EVALUATIONS

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The following information describes the process of a guardianship and/or conservatorship evaluation and provides guidance about what you can expect and how you can assist.

Why is a guardianship or conservatorship evaluation necessary?

When questions are raised about a person's capacity to make reasonable decisions for themselves, the Court, an agency (*e.g.*, a Department of Social Services), or an attorney may request the evaluation. Serious mental illness, substance abuse, intellectual limitations, and/or neurocognitive deficits (*e.g.*, decreased cognitive abilities due to a stroke or Alzheimer's disease) may all compromise a person's decision-making capacities.

How much will an evaluation cost?

When the evaluations are done through an agency, such as Adult Protective Services, that agency will often pay for the assessment. Otherwise, Dr. Nelson's hourly rate is \$275. A retainer of \$1375 is due by the first appointment, which is the average cost of this evaluation. However, if the case is complicated, there is a lot of record review, and/or multiple appointments are necessary, then the cost could be much higher. If the total cost of the evaluation is below the retainer paid by the client, then the difference will be refunded. If the total cost of the evaluation is greater than the retainer paid by the client, then the client will be billed the difference and expected to pay the balance before the final court date. If you have questions about this, please contact Bobbie Harvey at (804) 739-4669. She is typically in the office Monday through Thursday from 7 a.m. to 3 p.m. Insurance does not cover the cost of this evaluation since it is for the Court's purpose and not for treatment purposes.

How is the billing done?

An itemized bill will be produced at the end of the assessment, which details Dr. Nelson's activity on the case. Please note that time to analyze the data and write the report is a *significant* part of the total cost. There is a fee for the psychological testing to cover the cost of the forms and the scoring.

Does it put me at a disadvantage if someone else is paying for the evaluation or if I am paying only a small percent of the assessment?

No. The Court or referring agents make this determination and the retainer is collected up front, so Dr. Nelson is not beholden in any way to produce an opinion favorable to the party who is paying for the evaluation. Further, unless the Order says otherwise, both parties have access to the bill.

What if I have been ordered to pay all or most of the bill and the other party runs up the cost in what I feel is an unreasonable way?

In this case, you may want to consider consulting your attorney about approaching the

Court to reapportion the bill. The bill will be laid out so that you and the Court can see how her time was spent.

If I want Dr. Nelson to testify, is that covered in the retainer for the evaluation? Will he/she automatically come to court?

No. Unless the Order for the evaluation says otherwise, Dr. Nelson requires a subpoena to come to court. You are encouraged to consider subpoenaing him/her early in the process, even if you are unsure you want him/her to testify, because if another subpoena for your date arrives first, Dr. Nelson has to honor the other one. If you do subpoena him/her, there is a separate retainer of \$1,375 for his/her court appearance; if court is more than 60 miles from their office, payment for travel time will also be required in advance. The \$1,375 covers Dr. Nelson's preparation time for testimony plus his/her time in court. If you cancel the subpoena 3 business days or more in advance (*e.g.*, you settle the case, you decide you do not want Dr. Nelson to testify, the parties agreed that Dr. Nelson's report will be entered into evidence without her present, *etc.*), then Dr. Nelson will refund the \$1,375 to you in full. If you cancel with less than 72 business hours of notice, Dr. Nelson will keep the \$1,375 as it is difficult for him/her to book other income generating activity with such little notice.

How many times will I meet with Dr. Nelson?

In general, you should expect to meet with Dr. Nelson once. However, it is not uncommon to have additional meetings, requested either by Dr. Nelson or the client. During this appointment, you will have an extensive clinical interview that covers information relevant to the referral question. The goal of this interview is to ensure that when it is done, you feel that you have been able to fully express your personal story and perspective. Typically, psychological and/or neuropsychological tests will also be administered. Dr. Nelson will determine which tests to administer after he/she has met you. You are welcome to schedule other interviews, either in person or by phone, as necessary.

When do I get a copy of the report?

The Court determines who gets a copy of the report. Typically the Order states that the report should be provided to the attorneys of record and the Court. It is up to your attorney to decide how he/she will share it with you. If you are proceeding *pro se*, meaning that you are representing yourself, then Dr. Nelson will ask the Court to determine if and how the report should be shared with you.

What if I want to talk to Dr. Nelson about the report after I read it?

If you want to talk to Dr. Nelson after you have read the report, please call her office to set up a phone or in person appointment. If you have additional information you want Dr. Nelson to review or if you want to ask Dr. Nelson to rethink something in the report, please contact her to ensure this happens. If the new information or discussion leads Dr. Nelson to draw different conclusions than he/she did originally, he/she will submit an addendum to the original report.

What type of information would be helpful to provide to Dr. Nelson?

Information provided to Dr. Nelson is considered discoverable, meaning that both sides have access to it. Therefore, please do not provide her with anything you want to keep confidential. Also, Dr. Nelson's office is not responsible for making copies of your documents, so please do not give her original documents or things you want returned, unless you have discussed it with her in advance. It may be helpful to talk with your attorney prior to providing Dr. Nelson with information as your attorney may have a preference for what you include. The better organized the material, the more efficient Dr. Nelson will be in reviewing it. Electronically submitted documents are discouraged as clients have typically not organized them well. Information that is commonly provided to Dr. Nelson and is often helpful includes the following:

Phone list: Dr. Nelson would like to interview people in your life who can help her understand more about you and your functioning. The general structure of the list should include the people's names and phone numbers, a brief paragraph about the role this person has in your life, and why it is important for Dr. Nelson to speak with him/her. It is also often helpful to propose specific questions for Dr. Nelson to ask. Please advise the people on your list in advance that Dr. Nelson will be calling them; otherwise, many people are hesitant to speak to him/her. Occasionally someone from your list will want to meet with Dr. Nelson in person rather than speak by phone. If this is the case, please talk about this in advance with Dr. Nelson.

Legal records: If there are court related documents that will help Dr. Nelson understand the history of your case, your current legal position, or other concerns about your case, please include these. Such documents include but are not limited to: transcripts of hearings and depositions, interrogatories, court orders, and other legal filings.

List of professionals: Please provide a list of names and telephone numbers of all mental health and medical professionals (*i.e.*, individual counselors for yourself, children's counselors, marital therapists, previous evaluators, substance abuse specialists, pastoral counselors, inpatient psychiatric facilities, physicians, *etc.*) who have been involved with you.

Records: If you have any records that will be of help to Dr. Nelson, please feel free to provide them unless directed otherwise by the Court or your attorney.

Personal statements, personal notes, and time lines: If you feel it will be helpful for you and/or Dr. Nelson to organize your thoughts in writing, please feel free to do so. However, please keep in mind that the other side generally has the right to access this information.

Will Dr. Nelson do a home visit or school visit?

Dr. Nelson will make a decision about whether or not to do a home visit on a case by case basis. If you want her to do a home visit, please let her know.

Is the information I discuss with Dr. Nelson confidential?

In general, the information you discuss with Dr. Nelson is not confidential, so neither you nor anyone else may discuss anything with him/her “off the record.” Dr. Nelson is expected to share relevant information with the Court about your case. Finally, you will likely be asked to sign forms that allow her to discuss information with mental health, medical, and/or substance abuse professionals involved in your case.

Why do I have to take psychological tests?

It is the standard of practice for psychologists to administer psychological tests during the course of the evaluation. The specific tests will be chosen by Dr. Nelson based on the relevant clinical issues.

Will Dr. Nelson give me feedback during the evaluation process or suggest that we make changes before the court date?

Each case is different and in general recommendations are not made until the assessment is completed. However, sometimes Dr. Nelson may suggest that an issue be addressed prior to completion of the assessment.

What if Dr. Nelson’s report and opinions are not in my favor?

It is often the case that one party is less happy with the results of the evaluation than the other. If Dr. Nelson’s report is not in your favor, you have many options and are encouraged to consult your attorney to discuss these. As noted above, you may also contact Dr. Nelson to discuss your concerns.

Does the judge always follow Dr. Nelson’s recommendations?

No. The Court is the trier and finder of fact and will make its own ruling based on all of the information presented. You or the other side may either present additional information that Dr. Nelson did not have or the Court may review Dr. Nelson’s report and his/her conclusions and disagree with all or part of them.

Is there anything else I should know or ask?

Dr. Nelson understands that this evaluation may be part of a highly emotional, personal, and difficult time for you and that it may be difficult for you to organize the information or ensure you have given him/her all relevant information. Dr. Nelson is committed to doing an objective, thorough assessment and will let you know if there is additional information he/she needs. If there is information you want to discuss with him/her outside of the appointments, feel free to call him/her office at (804) 7394669 to make a phone appointment. You are also welcome to e-mail him/her information, but please send it to his/her assistant, Jackie, at jaliceburg@psylaw.com and Jackie will ensure that Dr. Nelson gets the information in a timely fashion and that it is attached to your chart and/or in our database for Dr. Nelson’s easy reference.