

INFORMATION ABOUT THE PSYCHOLOGICAL EVALUATION PROCESS

Updated March 2017

The following information describes the process of a psychological evaluation for parents involved in abuse and neglect cases with Dr. Michele Killough Nelson and provides guidance about what you can expect and how you can assist. Please note that Dr. Nelson is typically appointed to conduct these evaluations by the Court or the Department of Social Services. In both cases, she is a neutral evaluator. She does not take privately retained cases.

Why have I been ordered to have a psychological evaluation?

If you have a founded abuse or neglect complaint or criminal conviction against you or are in the midst of proceedings to determine if the complaint should be founded, the Court or Department of Social Services may want information about your mental health functioning, substance abuse history, and/or ability to make good decisions. Psychological evaluations of parents are typically ordered when the Court wants more information about the parents to be able to make the best decisions possible for the children.

How much will a psychological evaluation cost?

Typically these evaluations are paid for by the referral agency. However, if you have to pay privately, then Dr. Nelson's hourly rate is \$275. A retainer fee of \$3000 is due by the first appointment, and this is the typical cost of such an assessment. If your case is particularly complex, though, it may be more. 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 will document the amount of time Dr. Nelson spent interviewing and testing you, interviewing collateral sources, reviewing records, analyzing the information, and writing the report. There is also 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 other than me (e.g., the Department of Social Services) is ordered to pay for the evaluation and I am paying nothing or only a small percent of the assessment?

No. Dr. Nelson is not beholden in any way to produce an opinion favorable to the party who is paying for the evaluation.

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

No. Unless the Order for the psychological evaluation says otherwise, Dr. Nelson requires a subpoena to come to court. You are encouraged to consider subpoenaing her early in the process, even if you are unsure you want her to testify, because if another subpoena for your date arrives first, Dr. Nelson has to honor the other one. If you do subpoena her, there is a separate retainer of \$1,375 for her court appearance; if court is more than 60 miles from her office, payment for travel time will also be required in advance. The \$1,375 covers Dr. Nelson's preparation time for testimony plus 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 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 or twice.

First appointment: In this meeting, Dr. Nelson will guide you an 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, you will also take a variety of psychological tests following the time spent with Dr. Nelson. Dr. Nelson will determine which tests to administer based on the specific concerns that are raised.

Second appointment: Often times a second appointment is not needed but if it is, Dr. Nelson will gather additional information, review with you the psychological test data, and clarify any points of confusion. These are often done by phone.

You are welcome to schedule other interviews, either in person or by phone, as necessary. Dr. Nelson may also initiate other appointments at her discretion.

When do I get a copy of the report?

The Court or referring agency determines who gets a copy of the report. Typically the report goes to the referral agency, attorneys of record (each parent's attorney, the guardian *ad litem*), 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 or referring agency 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. Given how emotional the psychological evaluation process can be and the strong responses people often have after reading the report, it is Dr.

Nelson's policy that the appointment to discuss the report will not occur for at least 48 hours after the parent has read it. 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 she did originally, 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. Dr. Nelson will be happy to interview people in your life who can help her understand more about your parenting and mental health issues, review legal and records, and review your personal notes.

Will Dr. Nelson do a home visit?

It is unusual for Dr. Nelson to do a home visit for a psychological evaluation. However, she will make a decision about whether or not to do home visit on a case by case basis.

Is the information I discuss with Dr. Nelson confidential?

The information you discuss with Dr. Nelson is not confidential, so neither you nor anyone else may discuss anything with her "off the record." Specifically, in her capacity as an expert, Dr. Nelson is expected to share relevant information with the Court about your case.

Why do I have to take psychological tests?

It is the standard of practice of psychologists to administer psychological tests during the course of the evaluation.

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 by a parent prior to completion of the assessment. These issues may include substance abuse, mental illness, anger management, or coparenting behaviors that are obviously detrimental to the child(ren).

Is Dr. Nelson going to provide counseling to me?

Dr. Nelson is a Clinical Psychologist who is licensed to diagnose and treat mental disorders, but her practice involves exclusively court related evaluations. She will not provide treatment to anyone she has previously assessed or is currently assessing as that would be a conflict of interest. She is also not a mediator and will not provide mediation services in an

attempt to settle your case, although she may provide recommendations or feedback if attorneys consult with her on a matter the parties are attempting to settle.

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

Sometimes a parent is unhappy with the results of the evaluation. 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 her conclusions and disagree with all or part of them.

What are Dr. Nelson's qualifications and experience?

Dr. Nelson completed her Bachelor's degree at the University of North Carolina at Chapel Hill, her Master's degree and Doctorate in Clinical Psychology at Purdue University, and her internship and post doctoral fellowship at Virginia Commonwealth University Health System/Medical College of Virginia Hospitals. She was an Assistant Professor of Psychiatry in the division of Consultation/Liaison Psychiatry at MCV for three years before joining Forensic Psychology Associates, P.C., in 1996. Dr. Nelson administers a wide variety of court ordered and related civil and criminal evaluations including but not limited to assessments of: competency, sanity, custody, relocation, parental capacity, termination of parental rights, testamentary capacity, and the need for guardianship and conservatorship. With regard to custody and parenting evaluations, Dr. Nelson began doing these in 1998 and has completed hundreds of such assessments. She has been repeatedly qualified as an expert in the areas of clinical psychology, child development, parenting issues, child custody evaluations, and other related issues in courts throughout the Commonwealth of Virginia. Dr. Nelson also frequently lectures on issues pertaining to custody evaluations at a wide variety of continuing education seminars for attorneys and judges, and she does guest lectures at a variety of universities.