# **Important Notes:**

* This is a template for a mutual agreement, between two parties in a custody case or arrangement, around the parameters of alcohol monitoring with BACtrack View.
* This document is not an order form and not required for testing with BACtrack View. Users can [sign up](http://monitoring.bactrack.com) and start testing immediately.
* If a court-admissible agreement for family law alcohol monitoring is required, feel free to modify this template to submit to a judge.
* This document establishes important alcohol testing parameters:
  + **Roles.** Who will be the Monitor, Tester, and Accountability Partner(s).
  + **Scheduling.** The details around how often a Tester will be prompted to take a BACtrack View test, the nature of the tests (i.e. random, scheduled) and when.
  + **Procedures.** Which steps should be taken when certain incidents arise (i.e. a Tester wishes to contest the validity of a test result).



**(a) BACtrack View Enrollment and Testing Agreements**

Prior to the start of [TESTER]’s possession of the children, [TESTER] shall enroll in BACtrack View and shall agree to allow [MONITOR] to set the testing schedule, as detailed below, obtain BACtrack View PDF reports, receive alerts of test results, and observe video recordings of each test being taken.

**(b) BACtrack View Financial Responsibilities**

[PAYING PARTY] is responsible for all costs associated with the BACtrack View program for the duration that BACtrack View testing is mandated as a condition of [TESTER]’s right to possession of the children.

**(c) Testing Schedule**

[TESTER] shall submit BACtrack View tests according to the following schedule:

1. Prior to [TESTER]'s possession of the children:  
   1. [TESTER] shall submit to scheduled testing within 30 minutes of receiving a testing notification from BACtrack View on [TIME] on [DAY(S)].
   2. [TESTER] shall submit to [NUMBER] random tests between [TIME] and [TIME] on [DAY(S)]. [TESTER] shall submit to these random tests within 30 minutes of receiving a testing notification from BACtrack View during the aforementioned times.
2. During [TESTER]'s possession of the children:  
   1. [TESTER] shall comply with scheduled testing within 30 minutes of receiving a testing notification from BACtrack View on [TIME] on [DAY(S)].
   2. [TESTER] shall submit [NUMBER] random tests between [TIME] and [TIME] on [DAY(S)]. [TESTER] shall submit to these random tests within 30 minutes of receiving a testing notification from BACtrack View during the aforementioned times.

The testing period will extend from [START DATE] to [END DATE], or as long as required by the terms of child possession.

1. On-Demand Tests:   
   1. [MONITOR] [may/may not] require [TESTER] to submit to on-demand BACtrack View tests, which are requested outside the regular schedule, at any given time or specifically during the Tester’s possession of the children.

**(d) Non-Compliant, Missed, and Contested Tests**

A “non-compliant test” is defined as:

1. a BACtrack View test result submitted by [TESTER] that is above the BAC threshold of [BAC THRESHOLD];
2. a BACtrack View test that [TESTER] is scheduled to take, as mandated by the previously described testing schedule, that is determined by [MONITOR] to have been taken by an individual that is not [TESTER]; or
3. a BACtrack View test that [TESTER] is scheduled to take, as mandated by the previously described testing schedule, for which he/she refuses to submit his/her video at the time of the test

A “missed test” is defined as:

1. any BACtrack View test that [TESTER] is scheduled to take, as mandated by the previously described testing schedule, that he/she does not take within 30 minutes of the scheduled time;

In the event a BACtrack View test result is non-compliant, [TESTER] shall submit to the following procedure:

1. [TESTER] shall submit to immediate and additional follow-up testing by BACtrack View within [TIME DURATION] of receiving the “non-compliant” test result.
2. If the subsequent test indicates a non-drinking event, [MONITOR] agrees to consider the initial “non-compliant” result to be “compliant.”

If [TESTER] wishes to dispute the validity of a non-compliant test result then [TESTER] shall submit to the following procedure:

1. [TESTER] shall notify [MONITOR] of their desire to contest the validity of a non-compliant test within [TIME DURATION] of receiving the “non-compliant” result.
2. [TESTER] shall initiate an on-demand test in the BACtrack View application within [TIME DURATION] of receiving the “non-compliant” result.
3. If the subsequent on-demand test indicates a non-drinking event, [MONITOR] agrees to consider the initial “non-compliant” result as “compliant.”

**(e) Alcohol Monitoring Information Access**

[MONITOR] shall receive access to any and all alcohol testing results of [TESTER]. [MONITOR] shall be granted any and all access to monitor BACtrack View testing and receive all testing alerts directly from BACtrack View. [TESTER] shall additionally agree to allow [ACCOUNTABILITY PARTNER] to receive any and all test alerts, video recordings of each test being taken, and BACtrack View PDF reports.

[MONITOR] and [TESTER] agree to [PERMIT or NOT PERMIT] access to [TESTER]’s location, as recorded by the BACtrack View application, at the time and date of each submitted test.

**(f) BACtrack View Device Damage or Loss**

Should the BACtrack View device become damaged or lost while [TESTER] has possession of the children, the following procedure for possession of the children shall be followed:  
[DAMAGED OR LOST DEVICE PROCEDURE]

**Signed:**

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Tester Name (Printed) Signature

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Monitor Name (Printed) Signature

*Optional*

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Accountability Partner Name Signature  
(Printed)