

Custody Implementation Guide

For Family Law Attorneys: How to set up BACtrack View & monitoring agreements for child custody

About this Guide

Designed for family law attorneys, this document outlines everything you need to get started with BACtrack View remote alcohol monitoring. It also includes critical factors to consider and questions to ask before starting alcohol monitoring, and when establishing an alcohol monitoring agreement (see the [BACtrack View Monitoring Agreement Template](#)).

Table of Contents

- I. [Terms to Know](#)
- II. [Factors for Successful Alcohol Monitoring](#)
- III. [Getting Started: Questions to Ask](#)
Items to consider and address in court orders
- IV. [How to Set a Testing Schedule \(w/ Examples\)](#)
Breakdown of Scheduled vs. Random testing
- V. [How to Sign Up for BACtrack View](#)
Step-by-step walkthrough for you + your client
- VI. [How to Structure a Monitoring Agreement \(w/ Template\)](#)
Sample BACtrack View alcohol monitoring agreement/court order + language to include

Terms to Know

Tester	the parent/guardian whose BAC level will be tracked and will be taking BACtrack View breathalyzer tests
Monitor	the main party reviewing the Tester's BAC results. This person sets testing schedules, can request on-demand tests, and receives video-verified BAC test results in real-time.
Accountability Partner	a party reviewing the Tester's BAC results. This person receives BAC results in real-time but cannot set testing schedules or request on-demand tests.
Paying Party	the person who pays for the BACtrack View service. Either a Monitor or a Tester can submit monthly payments to BACtrack View, but not both.
Connection	a Monitor or Accountability Partner - any party who is linked in the BACtrack View app to the Tester
Alerts	text message or email notifications from BACtrack View
PDF Report	a downloadable record of all test results (stamped with the BAC level, date, and time of each test) that can be shared in court. Available on Pro and Plus plans only.

Factors for Successful Alcohol Monitoring

To succeed with alcohol monitoring - by protecting children involved, providing solid proof of a parent's sobriety, and sharing evidence with the court - it is critical to find a trusted service that prioritizes accuracy, reliability and support. Here are important factors to keep in mind when choosing an alcohol monitoring service:

- ✓ **Video vs. still-image verification.** Unlike other programs that rely on simple snapshots, BACtrack View records a video of the Tester *as they're taking each test*. By doing so, it ensures that the Tester personally utilized their alcohol

monitoring device, eliminating the possibility of it being used by someone else.

- ✓ **Reliability + Reputation.** Established in 2001, BACtrack is a trusted leader in breathalyzer technology. In 2004, it was the first company to obtain FDA clearance to manufacture and market breathalyzers for consumer use in the US. Furthermore, BACtrack View has been approved by hundreds of courts across the US and Canada.
- ✓ **Ease of use.** BACtrack View fits in your pocket - making it easy and discreet enough for clients to use anywhere, thereby leading to increased compliance.
- ✓ **Easy-to-share records.** BACtrack View offers downloadable, color-coded PDF reports that stamp test results with key information, such as test dates and times, and are easy to share in court.
- ✓ **Flexibility.** Can testing schedules be fully customized to accommodate complex parenting schedules? Can an alcohol monitoring program include both scheduled and random tests? Are payment plans flexible, allowing parents to change the Paying Party or cancel the service at any time? These options are available with BACtrack View.

Getting Started: Questions to Ask

- Who will become the Monitor on the account?**
In other words, who will have the authority to set the testing schedule? Will the Monitor be a co-parent or another party?
- Who will pay the monthly BACtrack View service fee - the Monitor or the Tester?**
Either the Monitor or the Tester can submit payments to BACtrack View, but not both.
- What happens in the event of a missed test?**
What are the consequences? How will this impact possession of the children? How should the Monitor or Tester proceed after a test has been missed?
- What happens in the event of a positive (non-compliant) test?**
What are the consequences? How will this impact possession of the children?

How should the Monitor or Tester proceed after a test has been missed?

- What happens if the Tester wishes to contest a test result (i.e. in the event of a false positive)?**

What steps should the Tester take?

- What happens if the Tester loses their BACtrack View device or believes it to be damaged?**

How should the Tester proceed - what steps should they take? Who should they inform when this occurs? How will this impact possession of the children?

- Which BACtrack View plan will your client select: Basic, Plus, or Pro?**

View [the details of each plan](#).

- How often will PDF reports need to be submitted to court?**

This will impact which plan you select. PDF Reports are only available on Plus and Pro plans - Plus users can download one report per month, while Pro users can download unlimited reports.

- Will there be any Accountability Partners on the account?**

Who else needs to view the Tester's results? An Accountability Partner will receive testing alerts but not be able to manage the account or set testing schedules.

- Will location-tracking be enabled?**

The BACtrack View app can record a Tester's location at the time of a test, but [location-tracking is not required](#) to use the BACtrack View app. Learn more about [how to turn off location services](#).

- How many tests will the Tester submit per month?**

The Basic plan offers a maximum of 30 tests per month, while the Plus and Pro plans offer unlimited tests per month.

- Will tests be scheduled, randomly-timed, or both?**

Learn more about customizing testing schedules [below](#).

- Will tests only be scheduled directly prior to or during parenting time? Or will testing also occur at other times?**

- Will the Monitor be able to issue on-demand tests outside of the predetermined testing arrangement?

How to Set a Testing Schedule (w/ Examples)

Scheduling breathalyzer tests in the BACtrack View app is easy and totally flexible. You can adapt it to any parenting time arrangement, no matter how complex.

There are 3 types of tests that can be set up in the BACtrack View app.

1. Scheduled tests.
2. Randomized tests.
3. On-demand tests.

You can customize a monitoring program to include any combination of these test types (e.g. 3 scheduled tests + 1 random test).

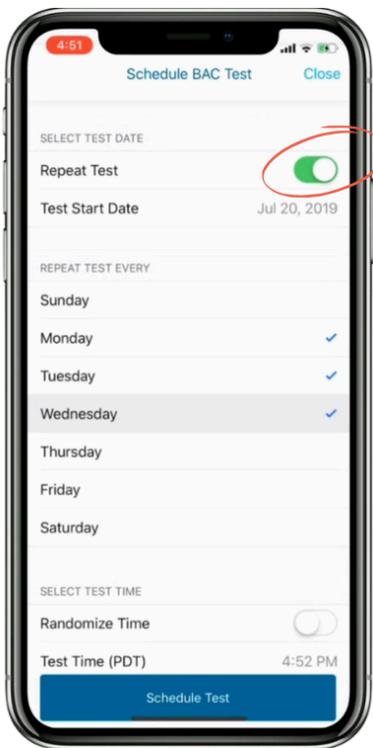
Example 1: Non-Randomized, Repeating Tests

This may be the ideal option if you want testing to occur only at a very specific time - when parenting time begins, when a child is picked up, etc.

Let's say you want to test every Monday, Thursday, and Saturday at 9:00 am. Here is what that schedule will look like (below):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
7:00 am							
8:00 am							
9:00 am	test			test		test	
10:00 am							
11:00 am							
12:00 pm							
1:00 pm							

How to Schedule Non-Randomized, Repeating tests in the BACtrack View app:



Hit the **Repeat Test** button (circled). Set the date you'd like testing to begin, and which days of the week tests will occur.

You can select any number of days.

Then, you'll select the test time (as seen at the bottom of the screen).

Example 2: Randomized, Repeating Tests

Randomized testing can be ideal to ensure a co-parent remains sober throughout a time frame - i.e. during visitation - without them anticipating the exact hour/minute tests will occur.

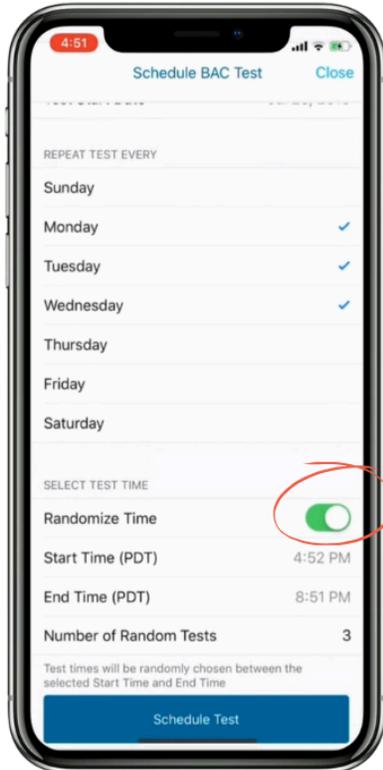
For each random test, you can customize:

- Which **days** of the week the random tests will occur
- The **time frame** during which the random tests will occur
- The **number** of random tests the Tester will take during that time frame

Let's say you want to randomly test a co-parent every Monday, Thursday, and Saturday. You want them to receive 3 randomly-timed tests between 8:00 am - 1:00 pm. Here is what that schedule will look like (below):

	✓ Monday	Tuesday	Wednesday	✓ Thursday	Friday	✓ Saturday	Sunday
7:00 am							
8:00 am	Random test schedule: Test 1: ? Test 2: ? Test 3: ?			Random test schedule: Test 1: ? Test 2: ? Test 3: ?		Random test schedule: Test 1: ? Test 2: ? Test 3: ?	
9:00 am							
10:00 am							
11:00 am							
12:00 pm							
1:00 pm							

How to Schedule Randomized, Repeating tests in the BACtrack View app:



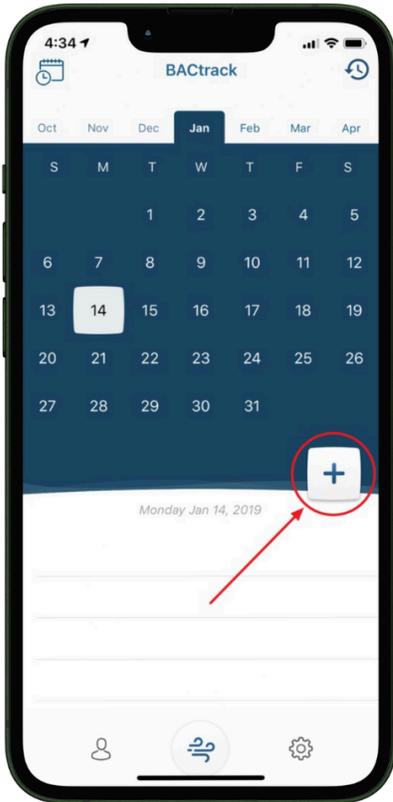
Hit the **Randomize Time** button (circled).

Select the time frame during which the Tester will be prompted to take random tests.

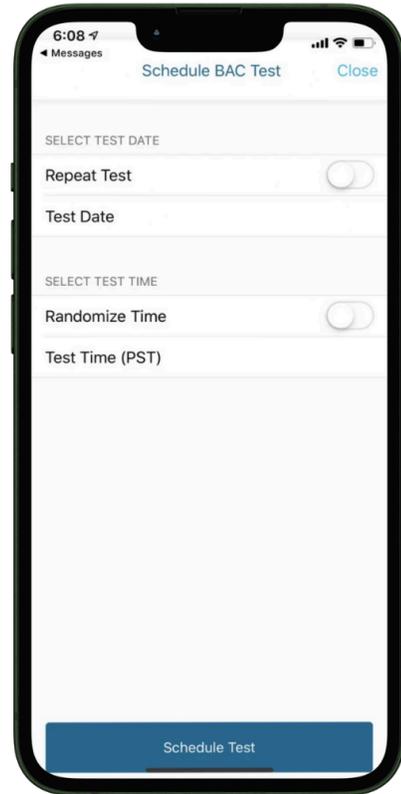
Select the number of random tests the Tester will take during this time frame.

Example 3: On-Demand Tests

These are single, non-repeating tests that a Monitor can request (or a Tester can choose to submit) at any time.



First, select the + button (circled) to schedule a test.



Then, enter the Test Date and Time without pressing the Repeat Test and Randomize Time buttons.

How to Sign Up for BACtrack View

Step-by-Step Instructions to Share with Your Client

1. Visit the [BACtrack View signup page](#).
2. Choose your subscription plan. There will be a description of each plan option. Click the Start 14 Day Free Trial (Monthly Plans) or Purchase Subscription (Pre Paid Plans) button at the bottom of the plan.
3. Complete the information below for whomever is signing up and paying for the service. The password created here will be the same password you use to log in for the BACtrack View app.
4. Complete the payment details requested.

**If you are signing up for a Monthly plan and never had an account with us previously, you will not be charged for the first 19 days after signing up.*

**If you had an account previously, when the signup is processed by one of our representatives, your card will be charged automatically.*

**If you use a prepaid card to sign up, you will be charged automatically.*

**If you sign up for a prepaid plan, you will be charged in 7 days.*

NOTE: At any point in time, you can reach out to the BACtrack View Customer Success team to switch the billing party (i.e. from Tester to Monitor).

5. Complete the Account Type tab. Click the dropdown next to “Select Your Role.”

**If you are a Tester who will be adding a Monitor, please select Tester. You will need to add the email address of your Monitor before finishing. If you need to add additional Connections, you will be able to do that from the app later on.*

**If you are a Tester who will be on the account alone or will only have Accountability Partners, please select Self-Tester.*

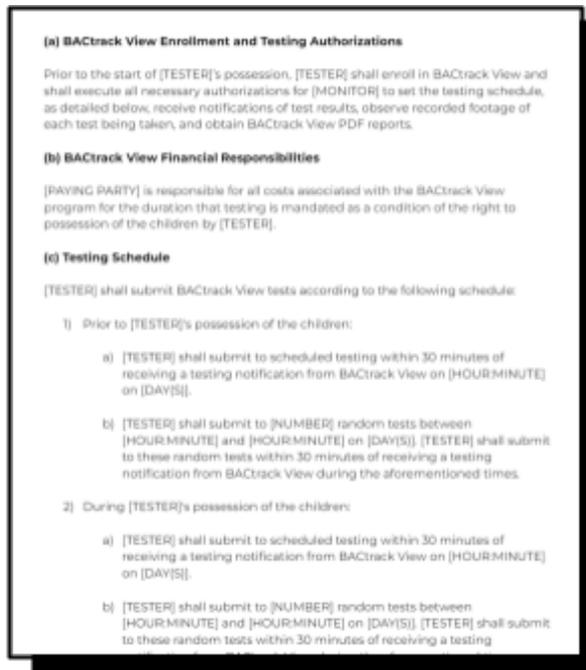
**If you are a Monitor, please select Monitor. You will need to add the email address of the Tester before finishing.*

6. You will then be prompted to download the BACtrack View app (available on iOS and Android). Your device will ship out automatically within 1 business day and should be received in 3-5 business days.

How to Structure a Monitoring Agreement (w/ Template for Legal Use)

To save you time, we've created the BACtrack View Monitoring Agreement Template, which you can download here:

BACtrack View Monitoring Agreement for Custody [Template for Legal Use]



Use this template to help you structure your client's alcohol monitoring agreement or court order.

This document is NOT an order form and is NOT required to enroll in the BACtrack View service. It is simply a resource to help you implement BACtrack View for custody arrangements.