



A funny thing happened on the way to trial...

Separated or divorced parents, unable to resolve a parenting plan may turn to the Courts for resolution. The Courts may turn to the recommendations of an assessor to guide judgment. Now the outcome hinges on the choice of assessor. Who do you choose?

Some folks struggle with the credentials of the assessor. There may be an opinion preferring or rejecting the services of a social worker, psychologist or psychiatrist.

For custody and access assessments, the service of a social worker may be preferable if issues of concern appear to relate more to family, relationship or parenting issues. The services of a psychologist may be preferable if there is concern for individual psychological issues related to temperament, personality or intelligence. The services of a psychiatrist may be preferable if there is concern for issues stemming from mental illness and psycho-active medication. Notwithstanding, there is such a great degree of overlap between these professional disciplines, that a well-experienced assessor of either profession should be able to assess the situation and provide reasonable recommendations. Approaches may vary, but the end result should at least be similar. As a concept this is known as equifinality. In layman's terms, *all roads lead to Rome*.

Notwithstanding the assessor's professional credentials, of more importance may be the assessor's disposition to facilitating an agreement through the assessment process. Standards of Practice for conducting custody and access assessments generally are silent on the issue of facilitating an agreement during the assessment process. Rather, most Standards of Practice convey information directing the practitioner through an appropriate assessment process that concludes with a report directed to the Courts. As such, some assessor's will argue as to whether or not they should even consider facilitating an agreement, let alone engage in activity that may be regarded as mediation or negotiation during the actual assessment process.

Interestingly though, and perhaps an anomaly with regard to the various Standards of Practice available, the Ontario Psychological Association in their Ethical

Guidelines for Psychological Practice Related to Child Custody and Access (1998) include:

Agreements reached by parents should be given the highest priority and respect, questioned with the greatest caution and reluctance and altered only if the child's best interests are at serious risk (e.g., suspected child abuse, other forms of family violence, or agreements reached only through intimidation).

There may be value in choosing an assessor predisposed to facilitating agreements when appropriate. Social science research suggests parenting plans reached by consensus through the parents tend to result in less parental conflict and hence may be more durable. Further, power and control remains in the hands of the parents who presumably know what arrangement would suit them best. The trickle down outcome for the child is exposure to less parental conflict, the most identifiable factor relating to their adjustment and psycho-social outcome.

As well as those reasons above, the added benefit in parents reaching an agreement during the assessment process relates to money. Simply stated, when parents reach an agreement the assessment process concludes, as does the legal process. There are no more costs related to resolving the dispute. Money spared remains with the parents for the care of their children.

It is worth asking the question of all assessors, "If an agreement could be reached that does not compromise the best interests of the child, would you facilitate the agreement in lieu of continuing the assessment process"? You will get a range of responses. Best-case scenario, a funny thing happens along the way. You settle. Worse-case, the assessment continues and concludes as it does. You decide what's right for you.

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