



Practice Guidelines for Parenting Plans for College Registrants of the Ontario College of Social Workers and Social Service Workers

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PREAMBLE

Separation and divorce are often an extremely stressful transition in the life of the family. College registrants can play a critical role in the resolution of family disputes, by providing information and insight to assist parents, lawyers and judges to make decisions that promote the best interests of children. It is understood that the parties may feel and believe that the registrant is being biased against them as the assessment process is one of investigation and critical analysis of each parent and their parenting abilities and is not a therapeutic relationship. Therefore, it is incumbent on the registrant to be mindful of the forensic nature of making parenting recommendations about parent-child relationships post separation and to be as balanced and thoughtful in every interaction with each parent the children and the lawyers.

The Practice Guidelines for Parenting Plans were developed for College registrants² who conduct parenting assessments for the court.³

² Parenting plan assessments are ordered by the court pursuant to s.30 of the *Children's Law Reform Act*. The court may also order a parenting plan investigation from the Office of the Children's Lawyer pursuant to s.112 of the *Courts of Justice Act*. The former is privately funded, and the latter is publicly funded.

³ The *Divorce Act* and the *Children's Law Reform Act* provides decision-making responsibility and parenting time through a parenting order, based on the best interests of the child. Parents are encouraged to resolve their disputes outside of court through various family dispute resolution processes such as mediation and negotiation that also includes a parenting plan as defined by:

16.6(2) parenting plan means a document or part of a document that contains the elements relating to parenting time, decision-making or to contact to which the parties agree.

The *Divorce Act* specifies that "best interests of the child" is the only consideration to be applied in making a parenting order or contact order. Subsection 16(3) provide a non-exhaustive list of factors to be taken into account in determining a child's best interests. However, s.16(2) specifies that "the court *shall give primary consideration* to the child's physical, emotional and psychological *safety, security and well-being.*" Further, the list of factors in s. 16(3) includes family violence as a best interest's factor; courts are to consider the impact of family violence on the ability of a parent to meet the needs of the child and "the appropriateness of making an order that would require" the parents "to cooperate on issues affecting the child." These provisions are clearly intended to both protect children from direct harm, and to ensure that victims of intimate partner violence are not coerced into on-going abusive relationships with a former partner as a result of parenting arrangements.

Section 2(1) of the *Divorce Act* defines family violence as follows:

Family violence means any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person — and in the case of a child, the direct or indirect exposure to such conduct — and includes:

- (a) physical abuse, including forced confinement but excluding the use of reasonable force to protect themselves or another person;
- (b) sexual abuse;
- (c) threats to kill or cause bodily harm to any person;
- (d) harassment, including stalking;
- (e) the failure to provide the necessities of life;
- (f) psychological abuse;
- (g) financial abuse;
- (h) threats to kill or harm an animal or damage property; and
- (i) the killing or harming of an animal or the damaging of property; Furthermore, section 16(3) of the *Divorce Act* provides that for the purposes of assessing the best interests of the child, courts must consider the presence of "(j)

The methodology consisted of an initial environmental scan of the current social science literature, legal literature and case law about parenting assessments and parenting plan guidelines across the USA and Canada to assist registrants carrying out their professional duties as a parenting assessor in family law disputes.⁴ The literature review includes, but is not limited to the existing social science and legal literature, and also includes grey literature through a Rapid Evidence Assessment approach (REA).⁵ An REA identifies relevant and existing studies and grey area studies through a systematic and transparent approach to understanding the current state of knowledge—parenting plan practice guidelines.⁶

Practice Guidelines for Custody and Access Assessments were also reviewed across Canada. These are: Board of Registration for Social Workers in British Columbia: Standards of Practice Child Custody and Access Assessments, 2010; Saskatchewan Association of Social Workers: Standards in Custody/Access for Registered Social Workers, 2001; Newfoundland & Labrador Association of Social Workers: Standards for Child Custody and Access Assessments, 2007; the *Report of the Interdisciplinary Committee for Custody/Access Guidelines*, 1988, and the *Custody and Access Assessment: Guidelines for Social Work Members of the Ontario College of Social Workers and Social Service Workers*, 1995, 2009.⁷

any family violence and its impacts on, among other things, (i) the ability and willingness of any person who engaged in the family violence to care for and meet the needs of the child and, (ii) the appropriateness of making an order that would require persons in respect of whom the order would apply to co-operate on issues affecting the child.” *Divorce Act*, R.S.C. 1985, c 3 (2nd Supp), s. 16(3)(j).

The *Divorce Act* further provides that, with respect to family violence and the best interests of the child under section 16(3)(j):

Factors relating to family violence

(4) In considering the impact of any family violence under paragraph (3)(j), the court shall take the following into account:

- (a) the nature, seriousness and frequency of the family violence and when it occurred;
- (b) whether there is a pattern of coercive and controlling behaviour in relation to a family member;
- (c) whether the family violence is directed toward the child or whether the child is directly or indirectly exposed to the family violence;
- (d) the physical, emotional and psychological harm or risk of harm to the child;
- (e) any compromise to the safety of the child or other family member;
- (f) whether the family violence causes the child or other family member to fear for their own safety or for that of another person;
- (g) any steps taken by the person engaging in the family violence to prevent further family violence from occurring and improve their ability to care for and meet the needs of the child; and
- (h) any other relevant factor. *Divorce Act*, R.S.C. 1985, c 3 (2nd Supp), s. 16(4).

⁴ Registrants often ask how they can access social science research. Every registrant is a graduate from a university/college and has access to the library facilities as an alumni. There may be a small fee associated to access the full library resources.

⁵ The Center for Evidence-Based Management (CEBMA), “What is a Rapid Evidence Assessment (REA)?” <<https://cebma.org/faq/what-is-an-rea/>>.

⁶ Barends, E., Rousseau, D.M., & Briner, R.B. (Eds), *CEBMA Guideline for Rapid Evidence Assessments in Management and Organizations* (Amsterdam: Center for Evidence-Based Management, 2017) <<https://cebma.org/assets/Uploads/CEBMA-REA-Guideline.pdf>>.

⁷ It should be noted than many of the Guidelines across Canada and the United States use the language of ‘custody’ and ‘access’ pre-*Divorce Act*, 2021.

Other professional guidelines reviewed are: APA *Guidelines for Child Custody Evaluations in Family Law Proceedings*, 2022; The Association of Family and Conciliation Courts: AFCC (2022 PPE Guidelines), *Psychological Assessment of Parenting Time and Responsibilities* in Alberta, 2019; the Nova Scotia Board of Examiners in Psychology, Custody and Access Evaluation Guidelines, 2006, and the College of Psychology (2014), *Information for Consideration by Members Providing Psychological Services in the Context of Child Custody Disputes and Child Protection Proceedings*.

These *Guidelines* supersede the Practice Guidelines for Custody and Access Assessments (the “Practice Guidelines”), 2009; 1995.

INTRODUCTION

Social workers and social service workers⁸ who perform parenting assessments must be skilled in many areas and suitably informed in child and adult developmental theory, family systems theory, intimate partner violence, child and adult pathology, substance use/abuse issues as well as knowledge of family law in Ontario.⁹ Understanding of multicultural influences, intersectionality (e.g., issues of diversity, equity and inclusion principles and practices) on parenting and child rearing practices are important considerations given the diversity of separating families in Ontario.

The overarching purpose of the Practice Guidelines for Parenting Plans (the Guidelines) is to promote evidence-based and *ethically informed practice* involving parenting disputes about decision making, parenting time, and contact post separation. The Guidelines endeavor to keep pace with research and legal developments¹⁰ in an expanding range of forensic assessment questions. The Guidelines are not meant to be prescriptive as each child, parent and parent-child relationship is unique and must be respected and treated accordingly.

Registrants will be asked to make parenting plan recommendations that include but are not limited to: relocation, interference with parenting time (parent-child contact problems: PCCP/resist-refuse dynamics), undermining the quality of the child’s relationship with a parent, allegations of intimate partner violence¹¹, child abuse and the child’s own perspective, knowledge of sexual abuse and false allegations, and the many forms of bias (e.g., confirmatory bias, anchoring, recency bias, cultural bias, and gender bias (Martindale, 2002) that all registrants

⁸Conducting parenting plans for the court demands an advanced clinical set of practice skills and knowledge. Typically, social workers/college registrants perform parenting assessments for the court in family law disputes. Throughout the Guidelines the terms “ought” and “should” are used to highlight the importance of College registrants conducting forensic work on behalf of children and families involved in parenting disputes as well as their obligation to adhere to the Code of Ethics and Standards of Practice, 2023 and the regulations in Ontario.

⁹ Ontario’s *Family Law Act*, RSO 1990, c F3, as well as parenting matters decided under Ontario’s *Children’s Law Reform Act*, RSO 1990, c C 12.; *Courts of Justice Act*, R.S.O. 1990, c. C. 43, s.112 and the *Divorce Act*, RSC 1985, c 3, (4th Supp).

¹⁰ It is also incumbent on the registrant to keep abreast of the case law in family law that can be accessed through CanLII (www.canlii.org). See: [Code of Ethics and Standards of Practice](#) (2023), Principle II, 2.1.4 and 2.17.

¹¹ In addition to understanding coercive and controlling behaviors’, knowledge of typologies and differentiation of IPV based on coercive controlling violence, violent resistance, conflict-instigated violence or situational violence, separation-instigated violence, and mental health issues is critical in carrying out parenting assessments in order to develop appropriate parenting plans post separation.

encounter in their work carrying out parenting assessments. Registrants must also be knowledgeable about appropriate community resources available in their communities for referrals as well as the differentiated research based clinical and trauma-informed interventions that registrants refer to in the parenting recommendations. The Guidelines should be used to help facilitate ethical practice by the registrant in any of these specialized topic areas.

1.1 PURPOSE

The primary purpose of parenting assessments is to assess the family and provide the court, the parents, and the lawyers¹² with objective information and make parenting plan recommendations. The assessment goals should be to: (a) identify the developmental needs of the children; (b) identify the strengths, vulnerabilities, and needs of all other members of the family; (c) identify the positive and negative parent-child interactions; (d) make recommendations for decision-making and parenting time utilizing the strengths of each individual that will serve the best interests of the child(ren) and within those parameters, the wishes and interests of parents, and children; and (e) provide a written report to the court, parents, and lawyers with the parenting plan recommendations and supporting information.¹³

These Guidelines provide information, guidance and practice advice. They are designed to assist registrants in interpreting and applying the College's standards but are not themselves standards of practice and are not enacted by regulation or by-law. The [Code of Ethics and Standards of Practice \(2023\)](#) prevail over guidelines; however, these Guidelines may still be used by the College (or other bodies) to determine whether a College registrant has maintained appropriate standards of practice and professional conduct in a particular case.

1.2 ENFORCEMENT

These Guidelines while not mandatory should be followed when recommending decision-making, parenting time, and contact allocations in parenting disputes. The Guidelines communicate expectations that are established by law and by the College for College registrants.

1.3 SCOPE

These Guidelines address the processes by which College registrants gather and evaluate relevant information about the family and formulate and communicate opinions and recommendations that relate to the task of developing parenting plans and related court orders. Typically the scope of a parenting assessment will be determined by the referral question, the nature of the issues raised by the parties and/or their counsel, and the registrant's clinical judgment.

These Guidelines apply to College registrants who perform comprehensive parenting plan assessments. Registrants who perform clinical consultation services, brief and focused

¹² Not all clients will have lawyers at the beginning or throughout the assessment process. Registrants should use their discretion as to how to contract with the client and provide notice for them to consult a lawyer if they so choose. At all times, the underlying principles of equity, transparency and informed consent must apply.

¹³ See Parenting Plan Guidelines for Ontario [Microsoft Word - AFCC-O Parenting Plan Guide \(Version 2.0, December 2021\) .doc \(afecontario.ca\)](#) and [Parenting Plan Guide and Template - AFCC Ontario](#).

assessments, child inclusive mediation, voice of the child reports, mediation, parenting coordination, expert work-product reviews/critiques (client retained), and second opinion work (client retained) may use these guidelines to assist them in their work, where appropriate. The registrant should seek the appropriate social science research and legislation, if any, for these different processes.¹⁴

At minimum, any opinions or recommendations resulting from a clinical consultation service, voice of the child report, brief and focused assessment¹⁵ should be limited to the particular issues investigated and must be appropriately substantiated by evidence and the limitations of the process. Any opinions based on clinical consultation services, expert work-product reviews/critiques and second opinion work must include the limitations of the work completed and the basis upon which the opinions and/or recommendations are being made. These latter processes typically should not provide parenting recommendations. The best interests of the child must be the focus of any of these interventions and may provide an education component.

A College registrant should **not** make parenting recommendations regarding decision-making and parenting time of children involved in family disputes unless they have completed a structured, multi-method and multi-source parenting assessment as outlined in these Guidelines¹⁶ (AFCC, 2022 PPE Guidelines; Birnbaum & Bala, 2019; Gould, 2008, Gould, Dale, Fisher, & Gould, 2016).

1.4 FORENSIC COURT-ORDERED PARENTING ASSESSMENTS

Forensic court-ordered parenting assessments are conducted exclusively as a result of a court order or agreement by the parties; they are not a clinical assessment. These court-ordered assessments involve the application of knowledge and skills of the College registrant to address the best interests of children before the court. They must be performed in compliance with the rules of the court, Practice Guidelines, the [Code of Ethics and Standards of Practice \(2023\)](#), as well as *Social Work and Social Service Work Act*. S.O. 1998. C.31 and Regulations.

Forensic court-ordered assessments are investigatory in nature and are not meant to be used for settlement purposes; however, a settlement by the parties may well come about as a result of the information gathered and completion of the assessment. It is important that the expectations and conditions of the involvement of the registrant in the family dispute process be clear and transparent at all times. That is, the registrant is expected to be an unbiased provider of information that will allow the court to make a decision about the best interest of the child.

¹⁴ The Association of Family and Conciliation Courts website has guidelines to assist the registrant in this area. It is incumbent on the registrant to provide ethical practice as outlined in the [Code of Ethics and Standards of Practice \(2023\)](#).

¹⁵ See AFCC guidelines at: [untitled \(afccnet.org\)](#).

¹⁶ The registrant may be retained as an arbitrator or as a parenting coordinator. Both these roles may provide the registrant with the mandate to provide input or make a decision relating to the parenting arrangements. The registrant retained as an arbitrator must be knowledgeable about the *Arbitration Act*. S.O., 1991 c. 17 and its requirements. The registrant retained as a parenting coordinator should be familiar with the Association of Family and Conciliation Courts Guidelines for Parenting Coordination. See: [Guidelines for PC with Appendix.pdf \(afccnet.org\)](#)

1.5 DEFINITIONS

Forensic-court ordered assessment is a comprehensive parenting assessment that is typically court-ordered, or the parties may agree to under s.30 of the *Children's law Reform Act*. RSO 1990, c C 12 and the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, s.112 to assess the best interest of the child. The former is often a private parenting assessment and the latter is a publicly-funded investigation and report.¹⁷

Client, parent/parties refers to a parent or guardian who is seeking decision-making and parenting time with the child. The terms will be used interchangeably.

Decision-making responsibility means a spouse's duty to make important decisions about their child's life, including about the child's health, education, culture, language and extracurricular activities.

Parenting time means the time a child is in the care of a spouse. Each spouse has the sole authority to make day-to-day decisions affecting their child during their parenting time.

Contact means the time someone who isn't a spouse has with a child, including grandparents and other important adults in the child's life. People with contact do not have the right to make day-to-day decisions affecting the child.

Diversity of client population refers to age, race, ethnicity, gender, language, gender identity, sexual orientation, ability status, education.

Equity refers to power, privilege and economics.

Inclusion principles and practices refers to speaking and writing in gender-neutral language, user-friendly language.

Conflict of interest refers to multiple relationships that could compromise the registrant's objectivity, independence, competence, and effectiveness.¹⁸

Dual relationship refers to the registrant having multiple relationships with the client (e.g. past, present, and subsequent).¹⁹

¹⁷ Throughout these guidelines, the term "child" will be used to refer to "child" or "children."

¹⁸ See Principle II Competence and Integrity, subsection 2.2.2. [Code of Ethics and Standards of Practice](#) (2023).

¹⁹ See Principle II Competence and Integrity, subsection 2.2.3. [Code of Ethics and Standards of Practice](#) (2023).

The file/record refers to the information collected that is made and used for court purposes. The file/record may contain, reports, letters, emails, audio and video recordings, psychological tests, self report inventories and checklists, all contracting matters and intake forms between the client and the registrant.

GUIDING PRINCIPLES AND VALUES OF THE PROFESSION

2.1 Knowledge of Family Law, Legal System and Family Court

College registrants should have sufficient working knowledge to function effectively within the legal system. They are not expected to have the same degree and depth of legal knowledge as lawyers and judges. Parenting assessments must be independent, impartial, free of conflicts of interest, fact-based, methodologically balanced, and culturally informed.

College registrants who perform parenting assessments for the court should be familiar with [Code of Ethics and Standards of Practice](#) (2023), the relevant legislation, case law, and legislation governing the parenting assessment. This will include, but not limited to the following:²⁰

- *The Children's Law Reform Act, 1990*
- *The Divorce Act, 1985*
- *The Child, Youth and Family Services Act, 2017*
- *The Family Law Act, 1990*
- *The Courts of Justice Act, 1990*
- *Health Care Consent Act, 1996*
- *Substitute Decisions Act, 1992*
- *Regulated Health Professions Act, 1991*

2.2 Transparency and Accountability

Parenting assessments should be conducted using transparent processes and procedures, contain sufficiently relevant case information, and clearly lay out the hypotheses that are being explored, reasons for how conclusions and opinions were reached to allow the court, the parties and the lawyers to understand how the information gathered and the methodology used leads to the parenting plan recommendations. The registrant is not only accountable to the College and must abide by the [Code of Ethics and Standards of Practice](#) (2023) and regulations, but also to the court as the courts expert witness. Therefore, the registrant should remain neutral at all times.

The parenting assessment should be sensitive to issues of diversity of client population (e.g., age, race, ethnicity, gender, language, gender identity, sexual orientation, ability status, education), equity (e.g. power, privilege and economics), and inclusion principles and practices throughout the

²⁰ All, of these Acts can be found on the publicly available website CanLII at www.canlii.org. It may also be helpful to the registrant to seek legal consultation if the registrant is not sure of a particular legal issue.

assessment process (e.g., speaking and writing in gender-neutral language, user-friendly language as much as possible and practicable).

2.3 Respect For Scope of Practice and Boundaries

The parenting assessment is conducted within the scope of the referral question/s and the court order or agreement by both parties. The registrant is the courts expert and should maintain the rights and interests of each family member and avoid any unnecessary gathering of information and processes that may be unnecessary, intrusive and financially burdensome to the family and the legal system.

The registrant has obligations to maintain professional boundaries with each family member and the lawyers. That is, the registrant is in a position of power and responsibility to each family member and must ensure that each family member is protected from abuse of such power throughout the engagement with the family system. [Code of Ethics and Standards of Practice](#) (2023), Principles 1; II; III and VIII.

EDUCATION, TRAINING, AND COMPETENCE

3.1 Specialization

The registrant should have a broad range of knowledge about parents and children involved in parenting disputes. They should have knowledge about high conflict families, parent-child-contact problems, intimate partner violence, relocation disputes, and children with neurodiversity issues. The registrant should be aware that each of these specialized topic areas of concern requires a broad understanding of the social science and legal literature to help formulate hypotheses testing to make evidence-informed parenting plan recommendations.²¹

3.2 Education and Training

Registrants should have a minimum of a Master’s in Social Work or recognized equivalent and five years experience working specifically with separated and disputing parents before the court. Given the challenging and complex issues that arise in family law disputes, having an advanced degree may provide the registrant with a broader range of education and training as well as specialized knowledge. For example, registrants should also have knowledge and training in:

- (1) child development, including physical, cognitive, emotional, language, and social development, gender identity, sexual orientation, and the impact of parenting practices and other influences on children’s development;
- (2) family systems, including parent-child relationships, sibling relationships, extended family relationships, stepfamilies, and diverse family structures;

²¹ See OCSWSSW website: [PN Why you need to put in the time before private practice.pdf\(ocswssw.org\)](#). The registrant should be aware of the strengths and limitations of the body of social science literature used to support their parenting plan recommendations. See: [Code of Ethics and Standards of Practice](#) (2023), Principle II. 2.1.4 and 2.1.7.

- (3) culture and diversity and their significance in the lives of adults, children, and families;
- (4) effects of racism, sexism, poverty, and other socio-cultural issues in the lives of adults, children, and families;
- (5) impact of parental separation, divorce, family restructuring, and interparental conflict on children, adults, and families;
- (6) impact of relocation on children, adults, and families;
- (7) family violence patterns and coercive controlling behaviors, the connection between intimate partner violence and child maltreatment, and the effects of exposure to family violence and coercively controlling behaviors on children;
- (8) child maltreatment, including child neglect and physical, psychological, and sexual child abuse; the connection between child maltreatment and other adverse childhood experiences, and factors associated with resiliency from trauma and adversity;
- (9) parent-child contact problems and resist-refuse dynamics, including possible underlying causes such as parental alienating behaviors, compromised parenting, child maltreatment, and exposure to intimate partner violence, among other causes;
- (10) child and adult psychopathology, including mental health disorders, learning disorders, and neuro-developmental disorders;
- (11) developmentally appropriate and empirically informed parenting plans, long distance parenting plans, methods of facilitating transitions between homes, and communication and information exchange;
- (12) evaluation of the effectiveness and appropriateness of interventions to address parenting, coparenting, children's adjustment, strained parent-child relationships, and parent-child contact problems; and,
- (13) evaluation of risk and protective factors for children with moderate to severe special needs conditions

Registrants should also maintain ongoing training in:

- (1) investigation of allegations of child and sexual abuse;
- (2) intimate partner violence (e.g. coercive controlling behaviours);
- (3) evaluation and treatment of problems in parent-child relationships;
- (4) children's best interests in the context of a relocation request;
- (5) evaluation and treatment of substance use/ misuse and mental health issues;
- (6) forensic interviewing of children;
- (7) evaluation of diversity, equity, and inclusion issues;
- (8) should also have education and training in forensic evaluation methods, including:
 - (a) evidence-informed methods for interviewing adults and children, observing parent-child interactions, applying balanced procedures, maintaining objectivity, and interpreting data;
 - (b) recognizing the limits of reliability and validity of various sources of information and reporting the limitations of such sources;
 - (c) report writing for the court; and
 - (d) preparing for and giving evidence at trial.²²

²² These areas of knowledge are minimum requirements (AFCC, 2022, PPE Guidelines, p. 9-11).

3.3 Competency

Registrants should obtain the necessary consultation and supervision, and other forms of guidance if they lack the necessary requirements as outlined above. The supervisor or consultant should have the necessary qualifications to provide this type of supervision and mentoring.²³ It is also recommended that the registrant seek legal advice when dealing with complex legal issues such as multiple legal proceedings in the same case.

MULTIPLE RELATIONSHIPS AND ROLE CONFLICT

4.1 Avoiding Multiple Relationships and Roles

The registrant must be familiar with the [Code of Ethics and Standards of Practice](#) (2023) as it relates to Principle II: Competence and Integrity, 2.2.2 and 2.2.3. Specifically, the registrant should not perform multiple professional functions in the same case (e.g. clinical consultation services and then provide a parenting assessment, provide a views/voice of child report and then provide a parenting assessment, provide mediation services and then provide a parenting assessment, provide clinical therapy and then provide a parenting assessment to name a few). Performing multiple professional functions with the same family in the same case can compromise the registrant's objectivity, competence, and independence (Greenberg & Shuman, 1997).

4.2 Disclosure of Potential Conflicts of Interest and/or Role Conflicts

The registrant should disclose any potential, actual or perceived conflicts of interest with the clients and lawyers prior to accepting a referral. There are situations where there is either no or few qualified registrants in the community who can perform parenting plan assessments. In these situations, the registrant should detail in writing the nature of the potential conflict of interest and obtain a written waiver from the client and the lawyer before proceeding with a referral. There are times when a conflict of interest arises due to lack of knowledge or unforeseen factors. The registrant should immediately disclose the conflict to the clients and lawyers.

4.3 Avoiding of Therapeutic Intervention and/or Settlement Efforts During Court Ordered Parenting Assessments

The registrant should avoid any therapeutic advice or intervention during a parenting assessment. If there is imminent risk to a child or any of the parties a referral must be immediately made to the appropriate clinical service. The registrant should also avoid settlement efforts during a

²³ The registrant should have a clause in the contract that outlines that the registrant may seek outside supervision, belongs to a supervision advisory group, or a consultation group. It is not uncommon for registrants to seek this type of supervision or consultation given the complex nature of the disputes before the court. However, the registrant must be mindful that information shared with an outside third party may be identifiable without the knowledge of the registrant. See Principle V: Confidentiality in the [Code of Ethics and Standards of Practice](#) (2023).

parenting assessment. The role and function of a registrant is to provide information to the court and to make parenting plan recommendations about the child's best interests. It is the court who is the decision-maker regarding parenting arrangements.

PROCESSES AND PROCEDURES IN ARRANGING ASSESSMENTS

5.1 The Referral

Referrals are generally made by lawyers with the consent of the parties and/or the court order. The registrant should obtain the court order or the agreement that appoints them. If the clients do not agree on a registrant, the court may designate the registrant. In order to proceed with the assessment, the registrant must provide written consent to act as the assessor.

5.2 Contracting and Communication with the Clients and Lawyers

The registrant should communicate with the clients and the lawyers (or, in the case of self-represented, with the party directly) prior to commencing the assessment. The communication may be in person, by telephone or by email. The registrant should ensure that the court order is consistent with the information being requested by the clients and the lawyers.

The contract with the client is the most important document between the registrant and the clients for the services being provided by the registrant. The contract mandates the legal duties, rights, powers, and responsibilities of the registrant the clients and the family system being investigated. The contract will help the registrant in risk management processes and procedures. Some registrants may have a list of questions (e.g. intake process and written materials) that they provide to the clients in advance of the interviewing process to allow the clients to better understand what is expected. That, too, helps in mitigating any perceived bias, misunderstanding or complaint that the client may have.

The registrant must be mindful that no matter how well they may mitigate against perceived bias, misunderstandings or complaints, clients still have a right to complain to the College and the registrant cannot deny any client their rights in any documents between the client and the registrant. Therefore, College registrants should have a clear and transparent written contract signed by all the parties (including the registrant) for services being provided to the clients. The contract should set out the following minimum terms and conditions:

- educational qualifications of the registrant;
- address and telephone number of the registrant;
- the hours of the registrant's availability to be contacted during normal working hours and in case of emergency;
- the approximate length of time the parenting assessment will take in the normal course of interviewing;
- fees (including retainers, method of payment, and billing practices);
- the limits of confidentiality including the duty to report child protection concerns according to the *Child, Youth and Family Services Act, 2017*;

- the role of the registrant and the clinical referral questions that are being determined;²⁴
- what documents and how the documents will be received and reviewed (e.g. court orders, affidavits, pleadings, etc.) and how each client and the lawyer provides them to the registrant;
- how emails, voice messages, audio and electronic information will be documented, shared, stored, and deleted;²⁵
- all the relevant policies and procedures of the registrant;
- describe how any ex parte communication with a client or a lawyer will take place;
- describe how all necessary releases of information will be obtained and how it will be handled by the registrant if the parties do not comply with the necessary releases being requested for the parenting assessment;
- the process of the parenting assessment (e.g., how cancellations will be handled and cost, if any; the number of meetings, where, who and how, collecting independent collateral information, how emails, text messages and voicemail will be handled, whether psychological testing or any self-report inventories, or checklists will be used to form part any or part of the assessment, costs for the testing, if any);
- that the registrant reserves the right to carry out the assessment and contact clients and collaterals that the registrant deems relevant;
- outlining processes about clients not recording or communicating any confidential information about the family dispute on any social media or public forum about the other client or their children;
- describing if anyone other than the registrant is involved in the assessment process (e.g. student observing, student carrying out any function of the assessment) should be clearly laid out who they are and what their role is;
- describe how any and all notes contained in the file will be reviewed and disclosed;
- describe any dispute resolution process that the registrant uses when a client has any questions/concerns, wishes to question the registrant or dispute the process and parenting plan recommendations;
- describe the report writing and/or disclosure meetings and any additional fees, if any;
- describe post assessment activities, fees, and processes; and,
- describe the ability for the clients to seek independent legal advice before signing the agreement for service.

Registrants ought *not* to be making any interim parenting recommendations. To do so would compromise the registrant's objectivity and neutrality. However, there may be circumstances where the registrant believes it is in the child's best interest for emotional and safety reasons of the clients or the children to do so. In this latter circumstance, the registrant should inform both clients and the lawyers in writing explaining the reasons and steps that will be taken to complete the parenting assessment process.

²⁴ *Children's Law Reform Act* RSO 1990, c C 12.,s.24 sets out the best interest test.

²⁵ See Principle IV, [Code of Ethics and Standards of Practice](#) (2023) for number of years of storage of files.

5.3 The Record, Reporting Obligations and Disclosure of the Record

The registrant should be mindful of all of Principle IV of the [Code of Ethics and Standards of Practice, 2023](#).

Clients should be made aware that the information gathered will remain confidential to those who are not a party to the assessment process. However, the clients must know that all the information gathered (file/record) for the parenting assessment is subject to the legal requirements of the court and may be subpoenaed, and also is subject the requirements of the College, Principle IV, [Code of Ethics and Standards of Practice, 2023](#).²⁶

As noted above, the registrant's contract with the clients should detail that any and all information will be included in the record/file.

MULTI-SOURCE AND MULTI-METHOD DATA GATHERING

6.1. Gathering Relevant Information

As stated previously, the registrant should only be collecting relevant information based on the referral question/s, the court order, and the relevant legal test in determining a child's best interests. The registrant should also be reviewing any social science literature that pertains to the issues in dispute to help in formulating hypotheses to make parenting plan recommendations based on the information obtained from the assessment and the social science research (e.g., setting out both the limitations and challenges) about the issues in dispute. The registrant should be seeking information that confirms and disconfirms hypothesis testing as a central role in the parenting assessment process.

The registrant should demonstrate fairness, balance, independence, and be able to describe the methods used in obtaining the relevant information. The registrant should be mindful that increasing the number of sources of information, length of interviews, and conducting multiple observations do not necessarily increase the reliability of the information collected. However, the registrant should collect information from multiple sources to advance the reliability of the information gathered and to minimize forms of bias.

The registrant should demonstrate that they have taken a balanced approach in interviewing each client that is objective and fair to each client. There may be occasions when one client has more to say or discloses more information (e.g. providing audio or electronic materials) than the other client. The registrant should note any potential source of perceived bias and be able to explain their rationale in the report (verbal or written).

Balance should be maintained throughout the process by ensuring that allegations raised by one client about the other are canvassed with each client to allow each client an opportunity to respond. This also includes text messages, emails, audio and video recordings that one client

²⁶ Also see: [Sharing Information in Situations Involving Intimate Partner Violence: Guidance for Professionals | Information and Privacy Commissioner of Ontario \(ipc.on.ca\)](#)

may provide should be canvassed with the other client to allow for a response about the materials. In addition, any concerns raised by collateral sources (e.g., personal or professional) about each client should also be canvassed to allow each client to respond to the concerns raised, if any. These measures may assist to minimize and mitigate any potential bias that may be raised. It also demonstrates that the registrant is being neutral, thorough and transparent throughout the process with each client.

6.2 Parent Interviews

The registrant should meet with both parties together or individually to explain the purpose and goals of the parenting assessment. The registrant's clinical judgment should determine the number of interviews and length of time for each interview. If there is an imbalance in the number of interviews or length of time in each interview, then the registrant should make note of this and be prepared to explain their rationale in the report (verbal or written).

The registrant should gather information about:

- the history of the parental relationship;
- the history of the parents' ability and willingness to cooperate with each other;
- the history of the parents' knowledge of their child's developmental history;
- explore issues of intimate partner violence²⁷, mental health concerns and any substance use/ abuse (e.g. alcohol, drugs), and any concerns of use of pornography, weapons etc.;
- each parent's perceptions of their own and other parent's parenting before and after the separation;
- each parent's perceptions of their own and other parent's relationship with children, the parent's proposals and concerns; and,
- each parent's perspective of the issues and each parent's views regarding a proposed parenting plan.

These areas of gathering information from each client form only *some of the* areas that the registrant should explore. The referral question from the court, the clients and the lawyers will also dictate as to what other questions and areas of concern should be explored with each client, their partner, if any, and the child. In addition, the registrant may have questionnaires or intake forms that each client completes prior to the initial meeting that may also raise further avenues to explore with each client.

²⁷ Registrants who use screening tools and/or checklists to assess intimate partner violence concerns should include all methods of assessment processes and procedures used in their final report (verbal or written) and be able to explain the rationale for their use and the reliability of the instrument used. Registrants should assess for intimate partner violence whether the concerns are raised or not as defined in the legislation. Also see: [Microsoft Word - Guidelines for Examining Intimate Partner Violence.docx \(afcnet.org\)](#).

Registrants are reminded of their obligation, in accordance with *The Code of Ethics and Standards of Practice Handbook, Third Edition*, (2023), to review all CCP readings when completing their [Continuing Competence Program - OCSWSSW](#). Specifically, registrants are reminded to read [College Response to the Domestic Violence Death Review Committee Report - OCSWSSW](#) as part of their annual and ongoing CCP.

The registrant should interview all the significant people in the child's life such as, but not limited to, caregivers, extended family, step-siblings, parents' partners and family friends. If a new partner is living in a residence with the child and performing a caregiving role, or is reasonably likely to be living in a residence with the child or performing a caregiving role, it would be important to include them. The purpose is to determine each individual's perspectives about the child and, if appropriate, about the family dynamics; explore their relationship with the child and/or the parties; and obtain a broader understanding of the family system.

The registrant, where appropriate, may meet with the parties jointly at any point during the assessment. The purpose would be to: observe the parental interaction; discuss issues relating to the child; provide education relating to the impact of separation and divorce on children; discuss alternatives regarding parenting plans; and explore areas of agreement with regard to parenting arrangements, if any. Both parties must consent to a joint interview and the registrant should not draw any conclusions about the reasons why a client may not consent.

6.3 Child Interviews

The purpose of the interviews with each child is to gather information about the nature and quality of the child's relationship with each parent, their important caregivers (e.g. nanny, grandparents, and other important individuals), sibling relationship, stepsibling relationship, the extent the child has been involved in the parental conflict and what impact this has on the child, their perspectives about the family issues, and views and preferences, where appropriate. The registrant should also inquire and explore the child's coping abilities (e.g., emotionally, socially, and academically).

The registrant should have knowledge of evidence-informed child interviewing procedures and strategies to elicit information from the child both historically and recent. The child interviews should be developmentally appropriate and culturally sensitive.

The registrant should seek consent from the capable child to be interviewed and inform the child of the limits of confidentiality. It is up to the child whether they consent or not to be interviewed. If the child does not consent to the interview, the registrant should canvass the issue with the child and each parent.

The interviews with the child should be carried out in a neutral private setting such as the child's home or the registrant's office. The interviews should be conducted individually as well as with siblings and stepsiblings. There should be a reasonable balance between each parent bringing the child to the interview and each home the child is interviewed in. It is the registrant's clinical judgment that should determine the number of interviews, the setting of the interviews, and who is involved in the interviews with the child. The registrant should be prepared to document the reasons for any imbalance and explain the rationale for this.

6.4 Observational Interaction with Children and Parties

The registrant should observe each parent and their children together, regardless of the child's age. This should also include the client's new partners or significant others (e.g. nannies, grandparents) whether they reside with the child or not. There may be circumstances where this type of observation and interaction may not be possible such as the child's emotional well-being and safety. The registrant should document this and be prepared to explain the rationale for this. It is up to the registrant about the length of time and number of observational interviews that will take place. The registrant should be aware that this will vary depending on the age of the child and development, including a child with a neurodisability.

The registrant should provide the parties with information regarding the nature and purpose of the parent-child observations and any instructions about the observational interactions. This should include any interaction between the client and the child in the waiting room of the registrant or in public areas where they may be all together. The registrant should provide information if any audio or electronic recording is being made of the observational interaction and reasons for it (AFCC, 2022 PPE Guidelines). If this is the case, the registrant should provide a transparent rationale for it, how the recording will be used, where the recording will be stored and how it will be disposed of.²⁸

The purpose of such interviews includes but is not limited to:

- obtain information about each client's parenting skills and ability to respond and manage their child's behaviour;
- how each client and child interact reciprocally to one another (e.g. language used, attitude, and feelings);
- how the child and significant others such as siblings, grandparents or step-parents respond reciprocally to one another; and,
- the nature of the communication between the client and child (e.g., parent demands, expectations relating to developmentally appropriate behavior).

Registrants should specifically describe the interactions between the clients and the child and be able to differentiate the differences between their impressions and opinions from observations. The language used should be neutral, culturally informed and balanced (AFCC, 2022, PPE Guidelines).

6.5 Collateral Information and Relevance

The registrant should be mindful of the importance of gathering information from multiple sources in order to thoroughly explore the issues relevant to parenting. Collateral information is important in obtaining a full understanding of the child and the family. Information from appropriate outside sources provides important data that may enhance the reliability of the

²⁸ There are occasions that the registrant uses audio recordings for their own purposes to help refresh their memory of the interviews. Registrants should disclose any type of recordings for any type of purpose to the clients and lawyers prior to use and obtain written and verbal consent. See Principle IV of the [Code of Ethics and Standards of Practice](#), 2023. Also see: <http://stockwoods.ca/wp-content/uploads/2013/11/Seperating-Spouses-Technology-and-the-Criminal-Law1.pdf> referring to s.184.(1) of the *Criminal Code*.

assessment. Collateral information should be obtained from personal and professional sources such as friends, neighbours, physicians, teachers, therapists, nannies, coaches, employers, and law enforcement agencies to name a few.

The registrant should ask each client for the names of collateral sources (e.g., personal and professional) to be contacted about the parent-child relationship and parenting. The choice of which collateral source is contacted remains with the registrant once the parties have signed the necessary consent for release of information. The collateral interviews may take place in person or by telephone, as determined by the registrant.

The information gathered from collateral sources should be as consistent as possible. That is, the questions should be the same for each type of collateral source. Questions being asked from professional sources will vary depending on the nature of the issues in dispute. Each collateral source should be made aware of the nature of the interview, questions being asked, how the information will be used, and the limits of confidentiality. Registrants should not be sharing information about the clients and children with any collateral sources (without express permission to do so) or offering any opinions about the parenting assessment process or parenting plan recommendations.

The registrant should be mindful about who the source of collateral information is being obtained when evaluating the weight of the information obtained.²⁹ For example, how much weight (e.g., grandparent versus medical doctor) the collateral source is being given and document it in the report (written or verbal). The registrant should document any source of information that the collateral source declined to provide information about and the reasons, if any.

The registrant should discuss with each client what collateral source that was interviewed and discuss what each collateral source had to say about them. This allows the registrant to observe and obtain further clinical information to be used in the hypotheses testing, to minimize bias, and be integrated with other information obtained in the parenting assessment process.

6.6 Objective Psychological Testing, Self-report Inventories and Checklists

The registrant may request psychological testing to obtain a broader understanding of a parent's psycho-social functioning and how this might impact on parenting ability. Although the use of objective tests and measurements is not restricted to any one profession, it is the responsibility of the registrant to ensure that they have the required advanced training, education and experience to provide evidence of this competence.

Registrants should note that most tests must be purchased from an established, legitimate vendor and furthermore, that eligibility to purchase tests is determined on the basis of training, education and experience. Many tests and measures require that the user has advanced training at the graduate level in tests and measurement. The intended use of the objective test must also be considered. It is important to recognize that the testing is conducted within the context of a

²⁹ While friends and family may provide direct and important information about the parent-child relationship and parenting, it is confounded by the observer's self-interests. Professional sources may provide more reliable and robust information as they do not have a self-interest in the family dispute (Kirkland, McMillan, & Kirkland, 2005)

comprehensive parenting assessment, and consequently, the results must be interpreted with caution and seen as hypotheses to be further tested and integrated with the findings of the registrant's overall assessment. No inferences should be drawn *from the testing alone* as to what would be in the child's best interests with respect in making parenting recommendations. If the test is used to assist with the diagnosis of disorders, the registrant should exercise extreme caution in the use of the measure, and the interpretation and communication of the results, so as not to be in breach of the *Regulated Health Professions Act, 1991* with respect to the controlled act of "communicating a diagnosis."

The registrant may refer psychological testing to a qualified person³⁰, who will conduct the testing and interpret the results for the registrant's use in completing the parenting assessment. In this case, the registrant should communicate with each client about the cost, the process, and how the information obtained from any test will be integrated into the parenting assessment process.³¹ The registrant must also obtain the necessary releases of information to be used and shared between the parties, the registrant and the person conducting the testing. The registrant should allow the parties to discuss any objective testing with their lawyer before the client signs any releases of information. There may be an occasion when the registrant believes that psychological testing is necessary, but one client may not agree. The registrant should speak to both lawyers and request that a court order for psychological testing be required (Frenkel & Butkowsky, 2020; Gould, 2008).

The registrant should understand that any testing (e.g. psychological, self-report inventories and checklists) carries the appearance of objectivity and precision. However, caution should be exercised as there is no test that provides parenting recommendations to be used for court purposes in a family law dispute about parenting. The tests are only another type of information gathering and used for hypothesis testing, not hypothesis confirmation to be used in the overall assessment process. The registrant should not assign any greater weight to the testing, use of self-report inventories or checklists and be able to articulate how much weight they gave these methods in their opinions and recommendations (AFCC, 2022 PPE Guidelines).³² In other words, did the testing confirm and disconfirm hypotheses and observations made during the parenting assessment process in context to all the information observed and gathered by the registrant.

6.7 Home Visits

Home visits can often provide valuable information relevant to the assessment and is arranged at the discretion of the registrant. If it is determined that a home visit is to be conducted, then the homes of both parties should be visited. On a rare occasion, a registrant might decide to visit only one home due to the emotional well-being and safety of the child. If this is the case, there

³⁰ The person conducting the testing may also have professional obligations and requirements for conducting the work. The registrant should provide the person with the referral question/s and how it will be used in the parenting assessment process.

³¹ As also referenced previously in the contract between the client and registrant.

³² Some psychologists use psychological tests that may/or may not be required for each, and every client involved in a particular parenting assessment; the decision remains with the psychologist and their requirements. The registrant, at minimum, should explain this in their written or verbal report given the cost, possible emotional upset and time required for the clients to complete the testing.

must be a clear rationale for this decision and the registrant should document this in the report (e.g. verbal and written) to explain the rationale for this.

All home visits should be given with advance notice to each client. If any audio or electronic recording is being made before or during the visits, the registrant should convey this information and the reason, if any, for the use of such recording. The registrant should convey how it will be used, where the data will be stored, for how long and how it will be disposed. The registrant should obtain written consent before any recordings are made.

PRESENTATION AND INTERPRETATION OF INFORMATION GATHERED

7.1 Presentation of Information and Opinions (Verbal and Written)

The registrant should present all the sources of information, the dates obtained, list all contacts, and the duration of contacts. The registrant should be able to articulate the weight given to any source of information and reasons for it. The registrant should be able to identify the different hypotheses that were made, the reasons and how they mitigated against any bias (e.g. recency, confirmatory, confirmatory distortion) to name a few. The registrant should be able to link the information gathered, be able to critically analyze and integrate the information and present their findings of the parenting assessment that leads to the parenting plan recommendations. The analyses of the information should go beyond the allegations each client made, and describe the registrant's clinical impressions, observations, hypotheses testing, how they mitigated bias and explain why one parenting plan was selected over the other for that particular family post separation.

Registrants should include all the professionals involved in the parenting assessment. Some registrants work in teams and/or have students that may complete certain aspects of the parenting assessment. The role that each professional and/or student played in the parenting assessment process should be included.

Registrants should be able to rely on, cite and provide the relevant and appropriate social science research that they used to help formulate their parenting plan recommendations. The social science research should be balanced and identify the strengths as well as the limitations of the research.³³ The registrant should be able to identify population data from individual data in the social science research being used and how it is relevant to the specific parenting plan recommendations that are being made in this particular family case. The parenting plan recommendations should be realistic, doable and economically affordable to that particular family system.

Registrants should not use diagnostic labels in describing the functioning of the clients and their limitations in parenting. The registrant should present the information that allows for a greater

³³ All social science research has limitations. The registrant should present y research that supports their hypotheses and conclusions, but also identifies, the strengths and limitations of the body of knowledge on that particular topic and be able to explain the opinions reached. See: [AFCC Guidelines for the Use of Social Science Research in Family Law \(1\).pdf \(afccnet.org\)](#).

discussion about the abilities and capabilities of each client using behavioural descriptions being mindful of diversity, equity and inclusion principles (AFCC, 2022 PPE Guidelines).

Registrants should be able to present the different parenting time schedules, the advantages and disadvantages of each plan for the clients and their child (AFCC, 2002 PPE Guidelines).³⁴ Registrants should be able to explain their rationale for each parenting time schedule.

Registrants should identify all the information that was included, not included, the limitations of the data, and be able to explain the reasons for it. In other words, registrants should disclose what information is known, not known, what they found reliable, unreliable, and anything missing in the parenting assessment and present all of this information in a transparent manner.

7.2 Disclosure Meetings

Registrants may facilitate a disclosure meeting with all the clients and the lawyers involved after the parenting assessment has been completed. There may be an occasion where the meeting is with each individual client and their lawyer for safety reasons of one client or the other. The registrant should disclose all the information obtained in the parenting assessment that is balanced, neutral free language (e.g. no use of jargon) and in an equitable manner.

POST ASSESSMENT ACTIVITIES

8.1 Responsibilities to the Clients and Court

The registrant should be mindful that while the disclosure of information and parenting recommendations may facilitate a settlement between the parties, it is up to the parties, the lawyers and the court to determine the resolution. The registrant should be aware that while one or more clients may decide to settle based on the parenting plan recommendations, the matter may be ongoing for a variety of reasons (e.g. child and spousal support, property disputes) and the registrant may be unaware of how the parenting plan recommendations are being used for negotiation purposes by the lawyers or the clients. Therefore, it is always incumbent on the registrant to remain neutral throughout and assume the matter will proceed to trial from the outset.

8.2 Ethical Considerations for Registrant

Parenting plan recommendations should generally not be made outside a comprehensive parenting assessment. An exception to this is when a registrant is engaged as an arbitrator or as a parenting coordinator. In these situations, the scope of the mandate must be contracted with counsel for the parties (or, where a client is unrepresented, with the client).

³⁴ See AFCC-Ontario [Microsoft Word - AFCC-O Parenting Plan Guide \(Version 2.0, December 2021\) .doc \(afccontario.ca\)](#) and [Parenting Plan Guide and Template - AFCC Ontario](#).

A registrant acting as a child’s therapist may offer factual and observational information based on their contacts, but should not make any parenting plan recommendations.

A registrant should not conduct a one-sided parenting assessment, in which only one parent is interviewed, or make any recommendation regarding parenting. Both parents must be part of the parenting plan assessment process.

A registrant should not make a recommendation or draw a conclusion about a person who has not been interviewed. The report should reflect this and the weight the registrant gave to the information.

A registrant should not make a parenting plan recommendation based solely on a review of legal documents or another professional’s assessment (e.g. expert work-product reviews/critiques and second opinion).

A registrant who has provided a clinical consultation service, a views of the child report, or has acted as a clinical therapist to parent/parents or to the child, or has had a personal relationship with a parent or a child, should not conduct a parenting plan assessment.³⁵

When avoiding multiple relationships is not feasible (e.g. in small communities), the prior relationship must be fully disclosed to the parties and counsel and the parties must provide informed and written consent.

If there is a prior relationship with a lawyer, other than in a professional capacity, this should be disclosed prior to accepting the referral.³⁶

A parenting plan assessment is an “open” process, and information collected may become part of a court file and, as such, is a public document. Participants must be informed of the limits of confidentiality. However, the clients must know that all the information gathered (file/record) for the parenting assessment is subject to the legal requirements of the court and may be subpoenaed, and also is subject the requirements of the College, Principle IV [Code of Ethics and Standards of Practice](#), 2023.

VIRTUAL ASSESSMENTS

9.1 Use of Technology

Registrants may use virtual technology for a host of reasons as part or in whole as they conduct a parenting plan assessment. The clients and the lawyers should be notified of any, or part of the parenting plan assessment that will be carried out online prior to its use.

Registrants should be aware of the use and storage of electronic practice as outlined in Principle V: 5.3.1, 5.3.2, and 5.3.3 in the [Code of Ethics and Standards of Practice](#) (2023).³⁷

³⁵ See Principle 1, II and III of the [Code of Ethics and Standards of Practice](#) (2023).

³⁶ See Principle II of the [Code of Ethics and Standards of Practice](#) (2023).

³⁷ Also see: [PN-The-Evolving-Landscape-of-Electronic-Practice.pdf \(ocswssw.org\)](#); [Top 10 Considerations for Using Communication Technology in Practice - OCSWSSW](#); [Professional Practice Update: Increasing AccPractice Notes: Professional and Ethical - OCSWSSW](#); [Wessibility and Equity for Clients - OCSWSSW](#); [Top 6 Considerations for Virtual Services - OCSWSSW](#).

Registrants should be aware that the use of electronic communication may “negatively affect the client’s ability to participate in the integrity of the process, including, but not limited to:

- (1) the parties’ access, ability, and willingness to use technology;
- (2) potential technology difficulties and interruptions that may significantly compromise the process;
- (3) limitations in maintaining privacy and minimizing influences during interviews;
- (4) limitations in rapport-building and observing behavior during interviews;
- (5) limitations in observing interactions;
- (6) mental health conditions, developmental limitations, or other neurodisability that may significantly affect the process;
- (7) concerns about intimate partner violence, child maltreatment, or substance misuse; and
- (8) evolving research regarding the validity and reliability of remote methods” (AFCC, 2022 PPE Guidelines, p. 28-29; Harris & Birnbaum, 2014).

The Registrant should consider the advantages and disadvantages of whether the use of virtual technology is helpful or not to the process and should be thoroughly canvassed with the clients and the lawyers. The registrant should note this in the final report (verbal or written).

9.2 Virtual Interviews with Children

Registrants should consider the child’s age, development, and cognitive ability when considering the use of virtual technology with a child for any portion of the parenting assessment. Registrants should be mindful of the same considerations that are referred to in Principle V: 5.3.1, 5.3.2, and 5.3.3 in the [Code of Ethics and Standards of Practice](#) (2023).³⁸

³⁸ Also see: [PN-The-Evolving-Landscape-of-Electronic-Practice.pdf \(ocswssw.org\)](#); [Top 10 Considerations for Using Communication Technology in Practice - OCSWSSW](#); [Professional Practice Update: Increasing AccPractice Notes: Professional and Ethical - OCSWSSW](#); [Accessibility and Equity for Clients - OCSWSSW](#); [Top 6 Considerations for Virtual Services - OCSWSSW](#).

REFERENCES

- Association of Family and Conciliation Courts (2022). *Guidelines for Parenting Plan Evaluations in Family Law Cases*.
- Bala, N., Birnbaum, R., & Watt, C. (2017). Addressing controversies about experts in disputes over children in Canada. *Canadian Journal of Family Law* 30(1), 71-128.
- Birnbaum, R., & Bala, N. (2022). Experience with Ontario's Parenting Plan Guide and Template. *International Journal of Law, Policy & the Family*. 36(1)
<https://doi.org/10.1093/lawfam/ebac013>
- Birnbaum, R., & Bala, N. (2019). *Making parenting plans in Canada's family justice system: Challenges, controversies and the role of mental health professionals*. Thomson Reuters Publishing.
- Board of Registration for Social Workers of British Columbia (2003). *Standards of Practice: Child Custody and Access Assessments*.
- College of Psychology (2014): *Information for Consideration by Members Providing Psychological Services in the Context of Child Custody Disputes and Child Protection Proceedings*.
- Custody/Access Assessment Guidelines: Report of the Interdisciplinary Committee for Custody/Access Assessments. The Ontario Psychological Foundation (1988).
- Ethical Guidelines for Psychological Practice Related to Child Custody and Access. Ontario Psychological Association, 1998.
- Family Court Review* (2023), 61(4) in its entirety.
- Flens, J.R. (2005). The responsible use of psychological testing in child custody evaluations: Selection of tests, *Journal of Child Custody*, (2:1-2), 3-29, DOI: 10.1300/J190v02n01_02
- Frenkel, D., & Butkowsky, I. S. (2020). Importance of psychological testing in Canadian family law. *Canadian Family Law Quarterly*, 39(2), 151-184.
- Gould, J. (2008). *Conducting scientifically crafted child custody evaluations (2nd edition)*. Sarasota FL.: Professional Resource Press.
- Gould, J., Dale, M., Fisher, N., & Gould, M. (2016). Scientific and professional knowledge for family courts: Legal expectations of experts. pp. 3-43. In Drozd, Saini, & Oleson (eds). *Parenting Plan Evaluations: Applied Research for the Family Court*. (ed.) Oxford Publishing.

- Greenberg, S. & Shuman, D. (1997). Irreconcilable conflict between therapeutic and forensic roles. *Professional Psychology, Research and Practice*, 28(1), 50-57.
- Harris, B., & Birnbaum, R. (2014). Ethical and legal implications on the use of technology in counselling. *Clinical Social Work Journal*, 43, pp. 1-9.
- Jaffe, J., Scott, K., Jenney, A., Dawson, M., Straatman, A., and Campbell, M. (2014). [Table of Contents - Risk Factors for Children in Situations of Family Violence in the Context of Separation and Divorce \(justice.gc.ca\)](#)
- Kirkland, K., McMillan, E., & Kirkland, E. (2005). Use of collateral contacts in child custody evaluations. *Journal of Child Custody*, 2(4), 95-109.
- Martindale, D. (2005). Confirmatory bias and Confirmatory distortion. *Journal of Child Custody*, 21(1-2), 31-48.
- Professional Assessment of Parenting Time and Responsibilities: Practice Guideline* (2009).
College of Alberta Psychologists.
- Radbord, J. & Birnbaum, R. (2023). Parenting Coordination as a judicial tool: Achieving access to justice for children. *Canadian Family Law Quarterly*, 41, 391-437.
- Reiter, E., Pollack, D., & Seigel, J. (2024, April 3). Publicly criticizing custody professionals: Where is the line between activism and defamation? Texas Lawyer.
https://www.researchgate.net/publication/379533661_Publicly_criticizing_custody_professionals_Where_is_the_line_between_activism_and_defamation
- Saskatchewan Association of Social Workers: Standards in Custody/Access for Registered Social Workers in Saskatchewan (2001).
- Standards for Child Custody and Access Assessments: Newfoundland & Labrador Association of Social Workers (2007).