



Ontario College of  
Social Workers and  
Social Service Workers

L'Ordre des travailleurs  
sociaux et des techniciens  
en travail social de l'Ontario

# Practice Guidelines for Parenting Plans for College Registrants

Guidelines for Registrants of the  
Ontario College of Social Workers  
and Social Service Workers

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Rachel Birnbaum<sup>1</sup>

Effective September 1, 2024

Includes amendments effective September 2018 and December 2024

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1. Rachel Birnbaum, Ph.D., RSW. LLM. is Co-Director, Research Institute with Children at King's University College, Western. The Parenting Plan Practice Guidelines (hereafter referred to as 'Guidelines') were developed to provide College registrants with standards of professional conduct specific to the practice of parenting plan assessments. The Guidelines are a supplement to the *Code of Ethics and Standards of Practice* (2023) as well as the *Social Work and Social Service Work Act*. S.O. 1998. C.31 and its Regulations.

The author is most grateful to the anonymous family law lawyers and College registrants who provided important input into the writing of these Guidelines. The author acknowledges the support of Christina Van Sickle, Director of Professional Practice and the members of the Standards and Practice Committee of the Ontario College of Social Workers and Social Service Workers. The author also acknowledges that these Guidelines are funded by the Ontario College of Social Workers and Social Service Workers.

# Preamble

Separation and divorce is 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 registrants 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 (the Guidelines) were developed for College registrants<sup>2</sup> who conduct parenting assessments for the court.<sup>3</sup>

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.<sup>4</sup> 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).<sup>5</sup> A 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.<sup>6</sup>

Practice Guidelines for Custody and Access Assessments were also reviewed across Canada. These were: *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*.<sup>7</sup>

Other professional guidelines reviewed were: *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, 2009; 1995.

# Introduction

Social workers and social service workers<sup>8</sup> 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.<sup>9</sup> Given the diversity of separating families in Ontario, it is important to understand and consider multicultural influences and intersectionality (e.g., issues of diversity, equity and inclusion principles and practices) on parenting and child rearing practices.

The overarching purpose of these 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 developments<sup>10</sup> 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, or PCCP/resist-refuse dynamics), undermining the quality of the child's relationship with a parent, allegations of intimate partner violence,<sup>11</sup> 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 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 their parenting recommendations. The Guidelines should be used to help facilitate ethical practice that adheres to the College's *Code of Ethics and Standards of Practice* by registrants 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, parents and lawyers,<sup>12</sup> with objective information, and to 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.<sup>13</sup>

These Guidelines provide information and guidance. 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 bylaw. The [Code of Ethics and Standards of Practice](#) (2023) prevail over Guidelines; however, these Guidelines may still be used by the College (or others) to assist in determining whether College registrants have maintained appropriate standards of practice and professional conduct in a particular case.

## 1.2 ENFORCEMENT

These Guidelines are intended to assist registrants who are engaged to make recommendations regarding decision-making, parenting time and contact allocations in parenting disputes. The Guidelines are consistent with and are designed to help registrants understand the expectations that are established by law and by the College for College registrants. Registrants are expected to also review and understand the relevant law, principles, and [Code of Ethics and Standards of Practice](#) (2023) and obtain legal advice as needed.

## 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 assist the court in making 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 registrants' clinical judgment.

These Guidelines apply to College registrants who perform comprehensive parenting plan assessments. Registrants who perform clinical consultation services, brief and focused 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) apply these Guidelines to assist them in their work, with modifications where necessary<sup>14</sup>.

At minimum, any opinions or recommendations resulting from a clinical consultation service, voice of the child report or a brief and focused assessment, 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 educational component.

College registrants 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 Guidelines<sup>16</sup> (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 College registrants 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 the *Social Work and Social Service Work Act, 1991 SO 1998, c 31* and its 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 for and completion of the assessment. It is important that the expectations and conditions of the involvement of registrants in the family dispute process be clear and transparent at all times. That is, registrants are expected to be an unbiased provider of information that will allow the court to make a decision about the best interest of the child.

## 1.5 DEFINITIONS<sup>17</sup>

*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.<sup>18</sup>

*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 and 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 registrants' objectivity, independence, competence and effectiveness.<sup>19</sup>

*Dual relationship* refers to registrants having multiple relationships with the client (e.g., past, present and subsequent).<sup>20</sup>

*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.

## ENDNOTES

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 in the *Divorce Act* by:

16.6(2) ...parenting plan means a document or part of a document that contains the elements relating to parenting time, decision-making responsibility 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.” [*Emphasis added*] Further, the list of factors in s. 16(3) includes the impact of family violence as a best interests factor; courts are to consider the impact of family violence on the ability of a parent to care for and 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 protect children from direct harm, and aim 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;

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 alumnus. 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 that before 2021, many of the Guidelines across Canada and the United States used the language of 'custody' and 'access'. In the United States, the terms 'custody' and 'access' are still widely used.
8. Conducting parenting plans for the court demands an advanced clinical set of practice skills and knowledge. Typically, 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*, and the relevant statutes and regulations in Ontario.
9. Ontario's *Family Law Act*, RSO 1990, c F 3, as well as parenting matters decided under Ontario's *Children's Law Reform Act*, RSO 1990, c. C. 12.; *Courts of Justice Act*, RSO 1990, c. C. 43, s.112 and the *Divorce Act*, RSC 1985, c 3, (2nd Supp).

10. It is also incumbent on registrants to keep abreast of the case law in family law that can be accessed through CanLII ([www.canlii.org](http://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 intimate partner violence (“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. See [Making Appropriate Parenting Arrangements in Family Violence Cases: Applying the Literature to Identify Promising Practices](#) ([publications.gc.ca](http://publications.gc.ca)).
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](#) ([afccontario.ca](http://afccontario.ca)) and [Parenting Plan Guide and Template - AFCC Ontario](#).
14. The Association of Family and Conciliation Courts website has guidelines to assist registrants in these areas. It is incumbent on registrants to provide ethical practice as outlined in the [Code of Ethics and Standards of Practice](#) (2023).
15. See AFCC guidelines at: [untitled](#) ([afccnet.org](http://afccnet.org)).
16. Registrants may be retained as an arbitrator or as a parenting coordinator. Both of these roles may provide registrants with the mandate to provide input or make a decision relating to the parenting arrangements. Registrants retained as an arbitrator must be knowledgeable about the *Arbitration Act*, S.O., 1991 c. 17 and its requirements. Registrants 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](http://afccnet.org)). Also see: Family Dispute Resolution in Ontario (FDRIO) [Parenting Coordination - FDRIO.ca](#).
17. Note that these definitions are specific to this Guideline and may expand upon the definitions in the Glossary of the *Code of Ethics and Standards of Practice*, as they apply in this practice context.
18. Throughout these Guidelines, the term “child” will be used to refer to “child” or “children.”
19. See Principle II Competence and Integrity, subsection 2.2.2. [Code of Ethics and Standards of Practice](#) (2023).
20. See Principle II Competence and Integrity, subsection 2.2.3. [Code of Ethics and Standards of Practice](#) (2023).

# 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 the [Code of Ethics and Standards of Practice](#) (2023), the relevant legislation and regulations and case law governing the parenting assessment. This will include, but is not limited to, the following:<sup>21</sup>

- *Children's Law Reform Act*
- *Divorce Act*
- *Child, Youth and Family Services Act, 2017*
- *Family Law Act*
- *Courts of Justice Act*
- *Health Care Consent Act, 1996*
- *Substitute Decisions Act, 1992*
- *Regulated Health Professions Act, 1991*
- *Social Work and Social Service Work Act, 1998*

## 2.2 TRANSPARENCY AND ACCOUNTABILITY

Parenting assessments should be conducted using transparent processes and procedures, and should contain sufficiently relevant case information. Parenting assessments should clearly lay out the hypotheses that are being explored, and 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. Registrants are accountable to the College, their employers and to the court. Registrants should be mindful of the duty of an expert to the court, including the duty to be fair, objective and non-partisan.<sup>22</sup>

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 assessment process (e.g., speaking and writing in gender-neutral language, and 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. Registrants are the court's experts and should avoid any unnecessary gathering of information and processes that may be unnecessary, intrusive and financially burdensome to the family and the legal system.

Registrants have obligations to maintain professional boundaries with each family member and the lawyers. That is, registrants are 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 registrants' engagement with the family system.<sup>23</sup>

### ENDNOTES

21. All of these Acts can be found on the publicly available website CanLII at [www.canlii.org](http://www.canlii.org). It may also be helpful to registrants to seek legal consultation if they are not sure of a particular legal issue.
22. See Rules of Civil Procedure, RRO 1990, Reg 194, rule 4.1.01.
23. [Code of Ethics and Standards of Practice](#) (2023), Principles 1; II; III and VIII.

## Education, Training and Competence

### 3.1 SPECIALIZATION

Registrants 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 and family violence, relocation disputes, gender identity and children who are neurodivergent. Registrants should be aware that each of these specialized areas require a broad understanding of the social science and legal literature to help formulate hypotheses testing to make evidence-informed parenting plan recommendations.<sup>24</sup>

### 3.2 EDUCATION AND TRAINING

Registrants should have a minimum of a Masters 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 registrants with a broader range of education and training as well as specialized knowledge. Registrants should also have knowledge and training in, among other things:

- (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;
- (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 and 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, emotional, 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 substance use and mental health disorders, learning disorders and neurodevelopmental 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' goals in the Continuing Competence Program should be weighted toward ongoing training in:

- (1) investigation of allegations of child abuse (including child 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;
- (7) evaluation of diversity, equity and inclusion issues;
- (8) forensic interviewing and 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.<sup>25</sup>

### 3.3 COMPETENCY

Registrants should obtain the necessary consultation and supervision, legal advice and other forms of guidance if they lack the necessary requirements as outlined above. The supervisor or consultant should themselves have the necessary qualifications to provide this type of supervision and consultation.<sup>26</sup> It is also recommended that registrants seek independent legal advice when dealing with complex legal issues such as multiple legal proceedings in the same case.

### ENDNOTES

24. See OCSWSSW website: [PN Why you need to put in the time before private practice.pdf \(ocswssw.org\)](#). Registrants 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.
25. These areas of knowledge are minimum requirements (AFCC, 2022, PPE Guidelines, p. 9-11).
26. Registrants should have a clause in the contract that outlines that they 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, registrants must be mindful that information shared with an outside third party may be identifiable without the knowledge of registrants. See Principle V: Confidentiality in the [Code of Ethics and Standards of Practice](#) (2023).

# Multiple Relationships and Role Conflict

## 4.1 AVOIDING DUAL OR MULTIPLE RELATIONSHIPS AND ROLES

Registrants 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, registrants 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 registrants' objectivity, competence, and independence (Cuhaci v. College of Social Workers (Ontario), 2019).

## 4.2 DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST AND/OR ROLE CONFLICTS

Registrants 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 registrants 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 unforeseen factors. Registrants 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

Registrants 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 and/or emergency services. Registrants should not engage in settlement efforts during a parenting assessment. The role and function of registrants is to provide information to the court and to make parenting plan recommendations in keeping with the child's best interests. It is the court who is the decision-maker regarding parenting arrangements (Cuhaci v. College of Social Workers (Ontario), 2019).

# Processes and Procedures in Arranging Assessments

## 5.1 THE REFERRAL

Referrals are generally made by lawyers with the consent of the parties and/or by court order. Registrants 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, registrants must provide written consent to act as the assessor.

## 5.2 CONTRACTING AND COMMUNICATION WITH THE CLIENTS AND LAWYERS

Registrants should communicate with the clients and (where a client is represented) with their lawyer(s) prior to commencing the assessment. The communication may be in person, by telephone or by email. Registrants should ensure that the information being requested by the clients and the lawyers is consistent with the court order.

The contract with the client is the most important document between registrants and the client for the services being provided by registrants. 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 registrants 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.

Registrants must be mindful that no matter how well they may mitigate against perceived bias, misunderstandings or complaints, clients always have a right to complain to the College. Registrants cannot deny any client their right to documents in the client record. To set client expectations, 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:

- the registrant's role;
- 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;<sup>27</sup>
- 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;<sup>28</sup>
- the registrant's relevant policies and procedures;
- describing of how any ex parte or unilateral communication with a client or a lawyer will take place;
- describing of 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, independent collateral information will be collected, including 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 of the assessment; costs for the testing, if any; etc.);
- that the registrant reserves the right to carry out the assessment and contact clients and collateral sources of information 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, including information 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) and what their role is;
- describing how any and all notes contained in the file will be reviewed and disclosed;
- describing any dispute resolution process that the registrant uses when a client has any questions/concerns, or wishes to question the registrant or dispute the process and parenting plan recommendations;
- describing the report writing and/or disclosure meetings and any additional fees, if any;
- describing post assessment activities, fees, and processes; and
- describing 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 registrants' objectivity and neutrality. However, there may be circumstances where registrants believe 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, registrants should inform both clients and the lawyers in writing, explaining the reasons and steps that will be taken to complete the parenting assessment process.

### 5.3 THE RECORD, REPORTING OBLIGATIONS AND DISCLOSURE OF THE FILE/RECORD

Registrants 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 and their lawyers. 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).<sup>29</sup>

As noted above, registrants' contracts with clients should detail that any and all information that is gathered will be included in the file/record.

### ENDNOTES

27. *Children's Law Reform Act*, RSO 1990, c. C. 12., s.24 sets out the best interest test.
28. See Principle IV, [Code of Ethics and Standards of Practice](#) (2023), including for record maintenance requirements and the number of years to store files.
29. Also see: [Sharing Information in Situations Involving Intimate Partner Violence: Guidance for Professionals | Information and Privacy Commissioner of Ontario \(ipc.on.ca\)](#)

## Multi-Source and Multi-Method Data Gathering

### 6.1 GATHERING RELEVANT INFORMATION

As stated previously, registrants should only collect relevant information based on the referral question(s), the court order and the relevant legal test in determining a child's best interests. Registrants should also review 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). Registrants should engage in hypothesis testing, meaning they should seek information that confirms and disconfirms their hypotheses when engaging in the parenting assessment process.

Registrants should demonstrate fairness, balance, and independence, and be able to describe the methods used in obtaining the relevant information. Registrants 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, registrants should collect information from multiple sources to advance the reliability of the information gathered and to minimize forms of bias.

Registrants should demonstrate objectivity and fairness to each client by taking a balanced approach in interviewing 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. Registrants should note and explain any potential perceived bias 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. Text messages, emails, audio and video recordings that one client 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. These measures may assist to minimize and mitigate potential bias. It also demonstrates that registrants are being neutral, thorough and transparent throughout the process with each client.

## 6.2 PARENT INTERVIEWS

Registrants should meet with both parties together or individually to explain the purpose and goals of the parenting assessment. Registrants' 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 registrants should make note of this and be prepared to explain their rationale for doing so in the report. The interviews must be sensitive to the client's cultural and intersectional identities.

Registrants should gather information about:

- the history of the parental relationship;
- the history of the parents' ability and willingness to cooperate with each other;
- the parents' knowledge of their child's developmental history;
- issues of intimate partner violence, mental health concerns and any substance use/ abuse (e.g., alcohol, drugs), and any concerns of storge, possession or 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, and 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 are only *some of the* areas that registrants should explore. The referral question(s) 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, the child and other collateral sources of information. In addition, registrants may have questionnaires or intake forms that each client completes prior to the initial meeting that may also raise further avenues to explore.

Registrants, 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. Prior to commencing a joint interview, registrants must obtain the consent of both parties. Registrants should not make assumptions about the reasons why a client may not consent to a joint interview.

### **6.3 FAMILY INTERVIEWS**

Registrants should interview all the significant people in the child's life which may include, but is not limited to, caregivers, extended family, stepsiblings, 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, that person should be interviewed. The purpose of any interview is to determine the 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.

### **6.4 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 any such conflict has on the child, and their perspectives about the family issues, and views and preferences, where appropriate. Registrants should also inquire into and explore the child's coping abilities (e.g., emotionally, socially and academically).

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

Before interviewing the child, registrants must obtain the capable child's consent to be interviewed and must 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, registrants should canvass the issue with the child and each parent.

Each interview 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. Registrants should be prepared to document the reasons for any imbalance and explain the rationale for this. It is within registrants' clinical judgment to determine the number of interviews, the setting of the interviews and who is involved in the interviews with the child.

## 6.5 OBSERVATIONAL INTERACTION WITH CHILDREN AND PARTIES

Registrants should observe each parent and their children together, regardless of the child's age. This should also include the parents' new partners or significant others or caregivers (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 appropriate, such as where registrants have concerns regarding the child's emotional well-being and safety. Registrants should document this and be prepared to explain the rationale for their concerns. It is within registrants' clinical judgment to determine the setting, length of time and number of observational interviews that will take place. Registrants should be aware that this will vary depending on the circumstances of the child, including the child's age, development and health status (including disability or neurodivergence).

Registrants 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 registrants' waiting rooms or in public areas. Registrants should disclose 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, registrants should provide a transparent reason for the recording, and should describe how the recording will be used, where the recording will be stored and how and when it will be disposed of.<sup>31</sup>

The purpose of such observations include, but are not limited to, obtaining 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 stepparents respond reciprocally to one another; and
- the nature of the communication between the parents and child (e.g., parent demands, expectations relating to developmentally appropriate behavior).

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

## 6.6 COLLATERAL INFORMATION AND RELEVANCE

Registrants should be mindful of the importance of gathering information from multiple sources in order to thoroughly explore the issues relevant to parenting. Collateral information gives registrants a fuller understanding of the child and the family. Information from appropriate outside sources provides important data that may enhance the reliability of registrants' assessments. 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.

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

The information that registrants seek to gather 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. Before registrants commence the interview, each collateral source should be made aware of the nature of the interview, how the information will be used and the limits of confidentiality. Registrants should not share information about the clients and children with any collateral sources (without express permission to do so), and should not offer any opinions about the parenting assessment process or parenting plan recommendations.

Registrants should be mindful about the source of collateral information.<sup>32</sup> For example, a grandparent may be biased or subjective, whereas a doctor may be more objective. This should be considered and documented, including any source of information that the collateral source declined to provide information about and the reasons given, if any.

Registrants should tell each client which collateral sources were interviewed and what was said, and provide each client with an opportunity to respond. This allows registrants to observe and obtain further clinical information to be used in hypotheses testing, and to minimize bias and be integrated with other information obtained in the parenting assessment process.

## 6.7 OBJECTIVE PSYCHOLOGICAL TESTING, SELF-REPORT INVENTORIES AND CHECKLISTS

Registrants 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 registrants 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 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 registrants' overall assessment. No inferences should be drawn *from the testing alone* as to what would be in the child's best interests. If the test is used to assist with the diagnosis of disorders, registrants should exercise extreme caution in the use of the measure, and the interpretation and communication of the results, to remain within the scope of practice of College registrants, and to not be in breach of the *Regulated Health Professions Act, 1991* or other related legislation or regulations with respect to any controlled act (including the controlled act of "communicating a diagnosis").

Registrants may refer the parent(s) for psychological testing with a qualified person,<sup>33</sup> who will conduct the testing and interpret the results for registrants' use in completing the parenting assessment. In this case, registrants should communicate with each client about the cost and process, and how the information obtained from any test will be integrated into the parenting assessment process.<sup>34</sup> Registrants must also obtain the necessary releases of information for the testing and/or results to be used and shared between the parties, the registrant and the person conducting the testing. Registrants 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 registrants believe that psychological testing is necessary, but one client may not agree. Registrants should speak to both lawyers and request that a court order for psychological testing be required (Frenkel & Butkowsky, 2020; Gould, 2008; Neal, Mathers, & Frizzell, 2022).

Registrants 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 that can be used for hypothesis testing, not hypothesis confirmation, which can be used in the assessment process. Registrants should not assign any greater weight to the testing, self-report inventories or checklists, and must articulate how much weight they gave these methods in their opinions and recommendations (AFCC, 2022 PPE Guidelines).<sup>35</sup> In other words, did the testing confirm or disconfirm hypotheses and observations made during the parenting assessment process, in context to all the information observed and gathered by the registrant.



## 6.8 HOME VISITS

Home visits can often provide valuable information relevant to the assessment and are arranged at the discretion of registrants. If registrants determine that a home visit is to be conducted, then the homes of both parties should be visited. On a rare occasion, registrants might decide to visit only one home due to the registrants' concerns regarding the emotional well-being and safety of the child. If this is the case, registrants must provide a clear rationale for this decision and document this in the report (e.g., verbal and written).

Registrants should provide each client with advance notice of all home visits. If the home visit is recorded by audio, video or electronic means, registrants should convey this information to the parties and provide the reason for the use of such recording. Registrants should convey how the recording will be used, where the data will be stored and for how long and how it will be disposed. Registrants should obtain written consent before any recordings are made. Registrants will not make any recordings without consent.

## ENDNOTES

30. Registrants who use screening tools and/or checklists to assess intimate partner violence concerns should list 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. See: [HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers \(justice.gc.ca\)](https://www.justice.gc.ca/eng/fl-df/cfl-mdf/tra-i-form/index.html). In addition, the Department of Justice Canada offers a free accredited online course on Family Violence and Family Law for Legal Advisers: <http://www.justice.gc.ca/eng/fl-df/cfl-mdf/tra-i-form/index.html>. Law societies, bar associations and many other organizations also offer training on family violence.

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](#) and the [Domestic Violence Risk Assessment: Informing Safety Planning & Risk Management Domestic Homicide Brief 2](#) as part of their annual and ongoing CCP.

31. There are occasions that registrants use 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/Separating-Spouses-Technology-and-the-Criminal-Law1.pdf> referring to s.184. (1) of the *Criminal Code*.
32. 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).



33. The person conducting the testing may also have professional obligations and requirements for conducting the work. Registrants should provide the person with the referral question/s and how it will be used in the parenting assessment process.
34. As also referenced previously in the contract between the client and registrant.
35. Some psychologists use psychological tests they 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. Registrants, 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.

## Presentation and Interpretation of Information Gathered

### **7.1 PRESENTATION OF INFORMATION AND OPINIONS (VERBAL AND WRITTEN)**

Registrants' reports should present all of the sources of information, including the dates the information was obtained, source contact information, and the duration of contacts. Registrants should be able to articulate the weight given to any source of information and their reasons for it. Registrants should be able to identify the different hypotheses that were made, the reasons for their hypotheses, and how they mitigated against any bias (e.g., recency, confirmatory and confirmatory distortion to name a few). Registrants 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. Registrants' analysis of the information obtained should go beyond the allegations each client made, but should also consider registrants' clinical impressions, observations, hypothesis testing, how they mitigated bias and describe why one parenting plan was selected over the another for that particular family post-separation.

Registrants should convey the names and qualifications of 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 in registrants' reports.

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.<sup>36</sup> Registrants should be able to differentiate between population and individual data in the social science research being used and describe 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. Registrants should present information in a manner that allows for a greater discussion about the abilities and capabilities of each client using behavioural descriptions and being mindful of diversity, equity and inclusion principles (AFCC, 2022 PPE Guidelines).

Registrants should be able to present the different parenting time schedules, communication strategies, and decision-making responsibilities, the advantages and disadvantages of each plan for the clients and their child (AFCC, 2022 PPE Guidelines).<sup>37</sup> Registrants should be able to explain their rationale for each decision.

Registrants should identify all the information that was relied upon and the limitations of the data. In other words, registrants should disclose what information is known and not known, what they found reliable and unreliable, how much weight was given to information sources and anything missing in the parenting assessment. This information should be presented in a transparent manner.

## 7.2 DISCLOSURE MEETINGS

After the parenting assessment has been completed, registrants may facilitate a disclosure meeting with all the clients and the lawyers involved. Occasionally, the disclosure meeting may take place individually, with each individual client and their lawyer, for safety reasons. The registrant should disclose all the information obtained in the parenting assessment in a way that is balanced, neutral, understandable (e.g., no use of jargon and diagnostic labeling) and in an equitable manner.

## ENDNOTES

36. All social science research has limitations. Registrants should present research that supports their hypotheses and conclusions, but should also identify 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 \(afccnet.org\)](#). College registrants must ensure that any professional recommendations or opinions they provide are supported by evidence and a credible body of professional social work or social service work knowledge, in accordance with the *Code of Ethics and Standards of Practice* (2023).
37. 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](#).

# Post Assessment Activities

## 8.1 RESPONSIBILITIES TO THE CLIENTS AND COURT

Registrants 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. Registrants 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 registrants 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 registrants to remain neutral throughout and assume the matter will proceed to trial from the outset.

## 8.2 ETHICAL CONSIDERATIONS FOR REGISTRANTS

Parenting plan recommendations should generally not be made outside a comprehensive parenting assessment. An exception to this is when registrants are 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).

Registrants acting as a child's therapist may act as a source of collateral information and offer factual and observational information based on their contacts, but should not make any parenting plan recommendations.

Registrants should not conduct a one-sided parenting assessment or make any recommendations regarding parenting where only one parent is interviewed. Both parents must be part of the parenting plan assessment process.

Registrants should not make a recommendation or draw a conclusion about a person who has not been interviewed. Registrants' report should clearly state who was and was not interviewed, and the limitations on what conclusions or recommendations registrants could make as a result.

Registrants 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).

Registrants who have provided a clinical consultation service, views of the child report, or has acted as a clinical therapist to parent/parents or to the child, or otherwise has had a personal relationship with a parent or a child, should not conduct a parenting plan assessment.<sup>38</sup> 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.<sup>39</sup>

A parenting plan assessment is an “open” process. 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. Registrants must inform clients that all of the information gathered for the parenting assessment is kept confidential except as required by law. The information is subject to the legal requirements of the court and may be subpoenaed, and also is subject to the requirements of the College, Principle IV [Code of Ethics and Standards of Practice](#) (2023).

## ENDNOTES

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

39. See Principle II of the [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 if any part of the parenting plan assessment 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).<sup>40</sup>

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 neurodivergence 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).

Registrants should consider the advantages and disadvantages of virtual technology to determine whether its use is helpful to the process. Any proposed use of virtual technology should be thoroughly canvassed with the clients and their lawyers. Registrants should note their use of virtual technology in their 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).<sup>41</sup>

## ENDNOTES

40. 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](#).
41. 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](#).

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Ontario College of  
Social Workers and  
Social Service Workers

L'Ordre des travailleurs  
sociaux et des techniciens  
en travail social de l'Ontario

250 Bloor St. E.  
Suite 1000  
Toronto, ON  
M4W 1E6

Phone: 416-972-9882  
Toll Free: 1-877-828-9380  
Fax: 416-972-1512  
[ocswssw.org](http://ocswssw.org)