

Successful Families Inc.

Section 30, CLRA Custody and Access Assessments

What is a parenting plan assessment?

A parenting plan assessment is often called a custody and access assessment. Such an assessment is designed to assist parents, their counsel and the court in formulating the best parenting plan for children when their parents are separating. Parenting plans detail how child related decisions will be made, and the residential schedule for the children. Parenting plans may vary greatly depending on the age and needs of the children, the parenting abilities of each parent and many other circumstances unique to each family. Such plans may have to change over time to accommodate developmental changes in the children as well as changes in the circumstances of the parents.

Why do one?

These assessments are often helpful when there is conflict arising from serious concerns about the children, or about the parenting ability of one or both parents. If other methods of dispute resolution have been unsuccessful and the parents continue to have very different views of what would be the best parenting plan, they and their lawyers or the court may decide that a parenting plan assessment is required.

Who does them?

Parenting plan assessments are carried out by mental health practitioners, who have training and experience in understanding children, parent-child relationships, parents and families, and mental health problems, as well as in the complicated and upsetting processes which are set in motion by family conflict and separation. The assessor is also skilled in maintaining neutrality.

What is involved?

It is usually helpful for the parents to be represented by counsel. It is necessary for all the parties to a dispute – usually both parents – to participate in the assessment. A great deal of information about the individuals in a family is required before the assessor is able to formulate his or her opinions. Information is gathered using an objective, structured approach from many sources and by varied methods. These methods may include interviews of the parents and of the children, parent-child observations and home visits, interviews with collateral informants including family members and professionals, psychological testing, and review of written information such as reports and court documents. There are some minor variations in method from one professional to another. It is important for the participants in an assessment to know that the assessment is not confidential – information is shared with both sides, with counsel and with the court.

Such assessments usually take between three and five months from the time that interviewing begins until disclosure of the recommendations.

What is the outcome?

The assessor will share with the parents and their counsel the findings on which opinions are based, the inferences made from those findings, and how these lead to a recommended parenting plan. The recommendations are likely to have a significant impact upon the conflict, and in most cases are very helpful in moving the conflict towards settlement.

How do they differ from mediation or arbitration?

In a parenting plan assessment, the assessor must formulate his or her own opinions about what plan would be in the best interests of the children in a family. The opinion is provided to the parties and the court for their consideration. The assessor must be able to justify the opinions, but the parents are not obligated to enact the recommendations. However, a competently conducted parenting plan assessment is likely to be carefully considered by a judge or arbitrator.

In mediation, in general, the mediator is not charged to generate recommendations, but attempts to assist the parties to arrive at a settlement that they can each live with. The parents retain autonomy in their decision making.

In arbitration, parties give up some of their autonomy to the arbitrator, allowing the arbitrator to make a decision in the interest of moving out of a stalemate.