

## **Types of Interventions Conducted by a Parenting Expert**

### What is a Parenting Expert?

A parenting expert is a member of a regulated profession with a combination of education, training, experience, continuous learning and judgement such that they would be recognized by the Court as an expert witness in the area of service they are providing.

A parenting expert is normally a member of a regulated profession who has a combination of education, training, experience, continuous learning and judgment that would ensure recognition by the Court.

Most commonly, Parenting Experts are Psychologists, Clinical Social Workers, Mediators and Parenting Coordinators. Often Mediators and Parenting Coordinators are members of other professions (Law, Psychology and Social Work).

Members of a government regulated professions (Law, Psychology and Social Work) also have ethical codes and standards of practice to follow and are accountable to their professions and are expected to meet the minimum requirements of that profession.

### Types of Interventions

There are two primary types of Interventions conducted by a Parenting Expert: an Evaluative Intervention which provides information to the court to assist in decision-making, and a Therapeutic Intervention which attempts to work towards resolution, manage conflict and make changes in the existing family dynamic. (PN7, 2012)

Evaluative Interventions can include:

- Triage
- Views (Voice) of the Child
- Parent Psychological Evaluation
- Child/Adolescent Psychological Evaluation
- Focussed Assessment to address a specific question
- The Arbitration component of Parenting Coordination might also be viewed as evaluative

Evaluative Interventions are not an Assessment of Parenting Time and Parenting Responsibilities (also known as Bilateral Assessment, or Open Custody Assessment or Child Custody Assessment, or to use an even older term a Home Study). If that is what is needed an assessment under Practice Note 8 is required.

An assessor can only make recommendations that affect parenting time / parenting responsibilities (access, residence or decision-making, elements which potentially change the rights of one parent over the other) after conducting a thorough evaluation of the entire family. Even if a Parent Psychological Evaluation is first conducted with one parent and later conducted with the other parent the processes used and data collected does not make the equivalent of an PN8 Assessment of Parenting Time and Parenting Responsibilities.

Therapeutic Interventions can include:

- Educational Sessions
- Mediation
- Therapeutic Intervention with One Parent (counselling for one parent)
- Therapeutic Intervention with Both Parents (post-separation/divorce counselling)
- Therapeutic Intervention with the Child only (counselling for the child)
- Therapeutic Intervention with Parents and Children (counselling involving the entire family)
- Parent-Child Reunification (also known as remedial facilitated access)
- Parenting Coordination

All of the different (therapeutic or evaluative) interventions listed above can be undertaken by a parenting expert pre and post-settlement. In addition these are services families can access on a voluntary basis (which often eliminates the possibility of report writing or communication with lawyers or the Court), they can be initiated by legal counsel for the parties (which often allows for report writing and communication, thus increasing accountability of participants) or Ordered by the Court (with direct communication with the Court allowed and limitations on the parents ability to have copies of any reports).

Some of the above processes are more amenable to the direction of the Court under Family Law Practice Note 7 than others. For example the mediation process generally is closed and without prejudice, with feedback only being provided if an agreement is reached, while PN7 may be with prejudice.

Arbitration is a consensual intervention and normally is under a Court Order (PN7). Arbitration is under the Arbitration Act of Alberta and although it is a mediation-arbitration model, with consent, it is binding in nature. In addition as mediation/arbitration (Parenting Coordination Arbitration) needs to be voluntary it may make more sense to go under a Consent Order under Practice Note 7 than a PN7 Order. These processes have traditionally been listed in the Practice Note 7 document so that when considering what can best help a family in transition these processes are not forgotten.

## 1. Evaluative Intervention: Triage

*The Parenting Expert will evaluate the family and make recommendations to the Court concerning the type of intervention(s) that may best meet the needs of that family. The recommendations may be to provide various forms of therapeutic support to the family, to obtain additional information, to identify issues or needs that need to be addressed in more detail or to obtain an assessment under Practice Note 8 to determine parenting time, parenting responsibilities, custody or access. (PN7, 2012)*

### Informal Triage:

Most processes involving a parenting expert begin with consultation with that expert. This often takes place through a conference call involving the lawyers or communication between the Court and the parenting expert is at the first stage of providing a service. The discussion focusses on the problems the family is facing and helping select the best service(s) to assist the family. A guiding principal is to find the least intrusive process that has a chance of helping the family.

- Advantages of the informal process include that it steers the family towards the most appropriate services faster, it eliminates a costly step and it does not disqualify to Parenting Expert from further assisting the family.
- Disadvantage of the process is that it does not provide a written report although the subsequent service agreement sent out to the Court and lawyers will describe the process agreed upon.

### Formal Triage:

If brief conversation with legal counsel does not point to “the best” process a triage approach could include:

- 1 or 2 hour interviews with each parent
- Interviews with children – often each child brought once by each parent
- File/Document review
- Collateral Contacts (social services, school, police)

A report would be produced describing information obtained (which can by itself be illuminating for the Court), the apparent needs of the family and what processes could best assist the family in moving towards resolution.

Advantages of the formal approach is that a written report is produced which gives a description of the family, their issues and needs, potential effects on the children and what can be done about the issues.

Disadvantages include that opinions cannot be made regarding issues that would affect parenting time or parenting responsibilities and that the parenting expert cannot go on to any other role with this family.

One hour per parent and one hour for report writing, or longer such as, two hours per parent, one hour per child, two hours document review, 3 hours report writing. It depends on the complexity of the case. This would be discussed with the parenting expert in advance.

## 2. Evaluative Intervention: Views (Voice) of the Child

*“Canvassing the specific needs or, where appropriate, the wishes of the children. The Parenting Expert will generally interview each parent and each child separately with a view to identifying special needs or risk factors. Often the child is seen twice, once after being in the care of each parent. In some cases, a Voice of the Child intervention can be expanded to include examining the children for emotional, behavioural, academic/intellectual or other needs which would indicate that a child is in need of therapy or special programming and supports. In some cases, a medical opinion may also be sought.” (PN7, 2012)*

There is a popular misconception that at the age of 12 a child is legally able to decide which parent they want to live with. There are no dimensions of child development that would suggest a child at 12 (or 14 or 16) can fully understand the consequences of cutting one parent out of their life.

The process of a views/voice of the child report often includes:

- 1 interview with each parent
- 2 or more (1-2 hour) interviews with each child with the child brought once by each parent
- In rare occasions document review or collateral contacts may be included (Usually 2 hours or less)
- In some circumstances, testing
- Report writing is usually 2 to 3 hours per child

A report is provided which describes:

- What the parents identify the issues regarding the child(ren) are.
- What the child has to say about the parents/family situation and their needs.
- If the statements made by the child are consistent (vocabulary, perspective) with what a child of that age would be expected to say or if the child appears to be influenced, coached or exposed to negative influences regarding the family.
- Sometimes the report points clearly to where the child’s opinions come from (for example alienation or realistic estrangement) however as this was not an assessment of the parents, statement cannot be made about the suitability of one parent or the other.
- With some older children, the adolescent’s understanding of the pros and cons of a decision, and his or her appreciation of the implications, may be explored.
- The report can also identify the needs of the family and what processes could be of assistance in meeting those needs.

Advantage of this process is that a deeper analysis of the child’s statements can be made than if a non-mental-health professional interviews a child. It meets the requirements of the United Nations Convention on the Rights of a Child of which Canada is a signatory.

Disadvantages include that opinions cannot be made regarding issues that would affect parenting time or parenting responsibilities and that the parenting expert cannot go on to any other role with this family. The report can state if alienation exists but cannot (usually) identify an alienation parent (although some parents will freely admit to this behaviour).

### 3. Evaluative Intervention: Parent Psychological Evaluation

*An evaluation of one parent. Under this procedure, a Parenting Expert cannot make recommendations to the Court regarding parenting time and parenting responsibilities, custody, access or relocation of the children; however, the Parenting Expert can examine if there are risk factors present that suggest the parent cannot adequately meet the needs of a child and what supports would be required. (PN7, 2012)*

A parent psychological evaluation would typically be used when there are concerns about the functioning of one parent and a consensus that there are not concerns about the appropriateness/skill of their other parent. It is a comprehensive evaluation of one parent examining areas such as:

- Psychological functioning/mental health
- Addictions history/substance abuse/risk
- Parenting Knowledge and beliefs
- Personal history
- Knowledge of and involvement with their children

Components of a parent psychological evaluation are often:

- Interview of the parent in question (approximately 4 hours)
- Psychological / parenting testing of the parent in question
- Interview of the other parent (approximately 2 hours)
- Possible interview of children ( 2 hours per child)
- Office or home observation of parent and children (2 hours per observation and travel time)
- Collateral contacts (often between 2 and 6 hours)
- Document review (up to 2 hours)
- Report writing (up to 8 hours)

**Advantages:** This process can state if a parent presents an apparent risk to children or not. It can state if there are factors that would prevent the parent being involved with the child(ren), if any forms of supports/restrictions would be required to make it safe for the parent to be with children or if there are no concerns about the person acting in a parental role.

**Disadvantages:** Opinions cannot be made regarding issues that would affect parenting time or parenting responsibilities which can only be done with a Practice Note 8 assessment. Additionally, the parenting expert who conducted the Parenting Psychological Evaluation cannot go on to any other role with this family, including not being able to conduct a PN8 assessment.

#### **4. Evaluative Intervention: Child/Adolescent Psychological Evaluation**

While not listed under the current Practice Note 7, other form of evaluative interventions could be Ordered by the Court. Information could be sought regarding:

- The mental health / need for counselling for a child or teen.
- If a child has special needs (emotional, behaviour, intellectual, learning) which require treatment or special school programming.
- Potential risks/benefits from entering into a special educational program (for example, French Immersion, Sports Academy, etc).

While the parenting expert needs to be careful to not make inadvertent “custody” recommendations (for example if all factors are equal recommending one school over another which would cause the need for a change in residence) information can often provide guidance when each parent describes a seemingly polar opposite child.

It would generally include:

- 1 hour interview with each parent
- 2 or more 2-hour interviews with the child

## **5. Evaluative Intervention: Focussed Assessment to address a specific question**

Other interventions could also be ordered under practice note 7 that are narrow in focus such as:

- Evaluating the severity of an addiction
- A mental health assessment of a parent
- Risk of recidivism for a parent with a criminal history
- A parent's knowledge of child development and appropriate discipline

The obvious limitation is that the more narrow the focus, the narrower the report will be. Looking at a specific area may not have any generalizability into practical parenting issues but can answer individual issues of contention between parties.

## **6. Evaluative Intervention: Arbitration**

An intervention might be Arbitration under the Arbitration Act of Alberta. The only way for arbitration to occur, with the Court's consent is by way of a Court Order under Practice Note 7. The Courts in Canada may not defer their responsibilities to any other designate without the consent of the parties.

Arbitration is binding and the closest to a quasi-judicial method of intervention. The Court Order normally specifically defines the scope and parameters of the arbitrator. An arbitrator may not change a Court Order without that being defined in the Court Order.

Advantages:

- Timeliness.
- You choose your arbitrator/tribunal/panel with particular expertise
- It is more private unlike a public court room
- Arbitration hearings can be quicker and less expensive
- Decision making can be swifter

Disadvantages:

- Perception that decisions regarding children might not be binding
- Awards do not have to be accepted by the Court
- All conversations are with prejudice and on the record unlike mediation
- Inability of an arbitrator to enforce an award
- All enforcement of an Award is through the court
- There is a fee associated with an arbitrator versus the Court

## **1. Therapeutic Intervention: Educational Sessions**

Outside of classes offered to parents (Parenting After Separation, etc.) or Parenting Experts providing information in collaborative law settings, this has rarely been used. Possible uses of this intervention could be:

- Sending one parent post-evaluative intervention to learn about how their behaviour affects the children assuming the evaluative report appears strong and accurate.
- Sending one parent to learn communication, impulse control or assertiveness skills.

The limitation of this area of intervention is that it is much more one-directional as information is provided with the focus on knowledge/skill acquisition. It is likely a brief process and does not go in as much depth as counselling.

The kind of person who might best benefit from an education intervention is the parent whose inappropriate actions took place out of ignorance rather than their actions being more deliberate in nature.

## **2. Therapeutic Intervention: Mediation**

*A mediator is appointed to assist the parties in resolving parenting issues, or the parties are directed to attend the Family Justice Mediation program. This Intervention can only be ordered with the consent of both parents. The goal is to settle disputes and/or build a parenting plan. Where a resolution is reached or a parenting plan developed, the Parenting Expert will report that to the Court.*

By its nature mediation is a closed process, so feedback cannot be given on parental behavior, agreements partially reached or anything if the process is not successful and complete. The role needs to be clarified if this is with or without prejudice.

It may be contraindicated for high conflict situations or in situations of high risk such as a history of domestic abuse or violence..

### **3. Therapeutic Intervention with One Parent (counselling for one parent)**

*For the purpose of changing the attitudes, beliefs and practices of an individual parent who is seen to be creating difficulties for the children through their actions or who is impeding the ability to reach resolution on parenting issues. In other cases, each parent is seen to need individual counseling to address their own issues which are impeding cooperation and progress.*

Therapy is:

- An open process – feedback can be provided to the Court.
- Best done with clear referral goals and possibly assessment results.
- Designed to change the behaviour of a difficult personality.

Therapy is not:

- Wasting time blaming the other parent, the lawyers or the Court.
- Non-directive supportive counselling.
- The therapist aligning with the client and becoming part of the problem.

Example: an assessment has been completed and found that one parent is alienating a child, relaying on a child for emotional support, overly harsh and rejecting in their discipline style or any other parental behaviour that could be of detriment to the child. It could also be used when one parent is stuck in stages of grief (denial, bargaining, anger, depression) or has been seen to have mental health issues that interferes with their functioning as a parent.

#### 4. Therapeutic Intervention with Both Parents (post-separation/divorce counselling)

*Therapeutic Interventions with both parents have the Parenting Expert attempting to resolve conflict, address parenting issues or disputes or build a parenting plan with the parents. The key difference between this form of intervention and mediation is that there is active teaching, modeling and guidance provided to the parents and that the emotional relationship between the parents can be addressed as much as the practical parenting issues. Therapeutic Interventions also serve to assist family members in the adjustment to changed circumstances and the restructuring of family roles.*

This type of intervention is known by a variety of names including Parental Conflict Intervention, Family Restructuring Therapy, Post-Separation/Divorce Counseling, or, in some cases Parent Coordination without arbitration.

In cases of extreme conflict, significant concerns pertaining to mental health of a parent or a history of violence, one Parenting Expert may be appointed for each parent and all joint sessions will involve both Parenting Experts. The Court, in this case, should authorize the Parenting Experts to consult with one another.

Therapeutic Interventions can be used pre- or post-settlement. The focus can be on addressing the needs of the children, improving or regulating communication between the parents, modifying aspects of a parenting plan or even developing an entire parenting plan. Therapeutic interventions do not do well during ongoing litigation unless the issues under litigation are split from the issues addressed in counselling. With families where all issues tend to come back to money it may be advisable to get financial settlement as quick as possible before starting therapy.

Unsuccessful therapy can still provide a narrative report which identifies the outstanding issues or where the behavioural problems between the parents are. It

##### Post Separation/Divorce Counselling Is:

- Directive
- Goal Oriented
- Future Focussed
- Child Focussed
- About Parenting
- Educational

##### Post Separation/Divorce Counselling Is Not:

- Litigation/Court
- Reconciliation
- Warm and Fuzzy
- A Place to Fight
- A Custody Assessment

## 5. Therapeutic Intervention with the Child only (counselling for the child)

*A therapeutic intervention only involving the child has the key focus of helping them with the adjustment issues pertaining to having a separated/divorced family. It can address difficulties in relationships with parents or other children, including siblings, difficulties learning, and difficulties with behaviour. It is not seen to be sufficient to minimize damage done by high conflict parents without the parents also being in a therapeutic process.*

### Working with the Child Only

#### It Is:

- Providing therapeutic support for the child.
- Giving them coping strategies for things that are largely out of their control.
- A way to help them understand what is taking place.

#### It Isn't:

- A substitute for an assessment of the family.
- Acting as an unconditional advocate for the child's wishes.

### To Clarify in Advance

- Limits of confidentiality and reporting
- Who will bring the child to the sessions
- The therapists' ability to speak to the parents. The therapist should only spend minimal time with each parent and only discuss what that parent can do to help the child and not to discuss the other parent.
- In most instances, any written communication should be copied to both parents.
- The ability of the therapist to make changes for the child is severely reduced if the parents are not also working on their communication/issues.
- If parents are also seeing a parenting Expert, consent should be given for the two therapists to communicate with each other for case planning.

## **6. Therapeutic Intervention with Parents and Children (counselling involving the entire family)**

*The purpose of a therapeutic intervention involving both parents and children is for the Parenting Expert to actively work with the family in an attempt to increase cooperation, facilitate a change in relationships, meet the emotional needs of family members and/or develop a parenting plan. Often, there are separate Parenting Expert(s) for the parents and for the child with all Parenting Experts given authority to confer with one another. The individual therapist working with the child can provide information regarding the child's needs or opinions to the Parenting Expert(s) working with the parents. The child's therapist may also be part of a team working to reunite children with rejected parents in remedial facilitated access/parent-child reunification.*

Therapeutic Intervention with the entire family may take place when:

- It is apparent that parental conflict exists, it negatively impacting the children and the parents need to learn new ways of communication.
- Often both parents quote what they have been told by the child – the child's therapist can find out the child's view on issues and relate it to the Parenting Expert working with the children.
- The children's therapist can also communicate information to the Parenting Expert regarding how the children are doing emotionally and what the parents need to change to reduce stress for them.
- Major changes have taken place and there is concern for how the children are coping.

Whether the Parenting/Child experts are in the same office or not, it is beneficial if they work together as a team with the family.

As working with the parents and working with the children are discrete activities, and some things discussed with the children will be kept confidential from the parents, one professional should not do both roles.

## **7. Therapeutic Intervention: Parent-Child Reunification (also known as Remedial Facilitated Access)**

*Facilitating remedial access between parent and child. This includes assisting a parent and a child to meet and become reacquainted when one parent has been out of a child's life for a long time. Depending on the complexity of the case and the presence of past allegations, it can take place with a single Parenting Expert working with the parent and child, two Parenting Experts (one for the child and one for the parents), or, in extreme cases, three Parenting Experts (one for the child and one for each parent).*

### Reunification Therapy

- Is child-centered but therapist directed.
- Is an active, future-focussed process.
- Assumes that in building a relationship the objective truth is irrelevant, that the starting point is the truth from the child's perspective.
- Seeks to incorporate a second parent, not replace the chosen one.
- The expectation exists that as progress is made contact will be gradually increased "back to normal".
- The parenting expert cannot recommend what the access should be.
- It is very helpful if the Court directs deadlines, for example, the child will return to following the parenting schedule by a set date. This makes reunification a foregone conclusion rather than an optional end product.

## 8. Therapeutic Intervention: Parenting Coordination

*The Court may delegate decision-making to a Parenting Expert (parenting coordinator/arbitrator), where both parties to the action have consented. The Parenting Expert will assist the parents to decide parenting issues within the context and specific instructions of a Court Order which establishes the parameters for the parenting coordinator/arbitrator and for custody/access/parenting time and parenting responsibilities.*

*The Parenting Expert is a qualified arbitrator. The Parenting Expert will act as a mediator when the parents encounter conflict. Where the Parenting Expert cannot assist the parties to negotiate a settlement of the conflict, the Parenting Expert may decide the issue and the parties are bound by that decision because of their jurisdiction as arbitrators. No decision of the Parenting Expert may override the Court Order. The Consent Court Order should clearly state the nature of the decisions to be made by the Parenting Expert.*

Fundamental Aspects of Parenting Coordination are:

- (1) The role is post-adjudication and designed to assist high-conflict co-parents with the implementation (not creation) of their parenting plan,
- (2) The role is non-confidential and often included limited ability to decide specific day-to-day co-parenting issues as well as defined procedures to provide feedback to the Court.
- (3) PC is practiced with and without arbitration and this is specified in the governing Order.
- (4) Arbitration must be in a Consent Order as the Court does not have the jurisdiction to order the parties into arbitration.

<p>Parenting Coordination Does:</p> <ul style="list-style-type: none"><li>• Help parents manage ongoing issues such as:</li><li>• Transitions/exchanges (date, time, place, meals)</li><li>• Health care management</li><li>• Education or daycare choices</li><li>• Enrichment and extracurricular activities</li><li>• Communication between parents about children</li><li>• Interactions with the children (parenting time, telephone, face time, skype, parent link)</li><li>• Parent/child communication and reunification</li><li>• Any other issues identified</li></ul>	<p>Parenting Coordination Does Not:</p> <ul style="list-style-type: none"><li>• Set out/decide Legal/Physical Custody</li><li>• Set out/decide Section 3 Child Support unless directed by the Court or agreed to by the parties</li><li>• Act outside of our role/jurisdiction as set out by order, contract, or consent agreement</li><li>• Provide legal/psychological advice or become one client's advocate during or after our involvement</li><li>• Provide therapy or serve as therapist, consultant or serve in another mental health role</li></ul>
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