

**Child Custody and Access Assessments
Parenting Capacity Assessments**

Child custody and access assessments are provided in those cases where parents are unable to resolve parenting disputes between themselves. The assessor's role is usually to provide recommendations setting out a plan for the ongoing care of the child between the separated parents.

Parenting capacity assessments are provided in those cases more typically where a parent or parents are in dispute with a child welfare agency about their ability to meet the needs of and care for their children. The assessor's role is to comment on the ability of the parent or parents to care for their children and/or set out a plan to support the care of the children or advise when, in the view of the assessor, alternate care arrangements are required.

Assessors are duty bound to provide recommendations to the Court and/or the parties subject to the dispute, respecting the best interests of the children. Such recommendations may or may not be consistent with the positions of the parents. Recommendations may be used by parents to settle matters outside of court at their discretion.

Parents are expected to cooperate fully with the assessment process and must provide consents for the disclosure and transmittal of information if requested by the assessor. By necessity, information disclosed to the assessor by either party or by third party reports can be shared between the assessor and the parties, their lawyers and the Court at the discretion of the assessor or as ordered by the Court.

General Description of Process and costs:

1. The assessor may be contacted by one or both lawyers to make a referral for assessment service. Contact may be by telephone with one lawyer, conference call with both lawyers or by written submission by letter with content agreed upon by both lawyers. Parents should not phone directly for assessments as this may be perceived as leading to bias by the other parent or party and could actually undermine the referral.
2. If there are terms of reference for the assessment or directions by the Court, these must be shared with the assessor at the time of referral. The assessor reserves the right to accept or reject the referral and is not bound by an Order of the Court appointing the assessor without the assessor's prior expressed informed consent.
3. Based upon a discussion of the request for service, a letter will be provided if the referral has been accepted and detailing pertinent conditions to commence. This letter must be shared between the lawyers and parties subject to the assessment. Parties must agree on the choice of the assessor and terms therein. In lieu of agreement, there must be a Court Order appointing the assessor, assuming prior consent of the assessor.
4. A copy of the pleadings brief and Court Orders are required prior to interviews with the parties. Disclosure and transmittal of all records from any agency, physician, CAS, or hospital that has had involvement with the family is required if requested by the assessor. Both parents can be required to undertake a criminal reference check and provide the police report to the assessor. School records are required for school age children. Written information from interested third parties should also be provided at this point. Lawyers may be asked to make provision for release, disclosure,

transmittal and costs of reports as set out above. Third party reports may required in advance of setting appointments, at the discretion of the assessor. Additional information can be requested and required by the assessor at any point during the assessment process.

5. After receipt of all pertinent information, appointments will then be set with parents and children. Generally for custody and access assessments, two meetings are held with each parent separately, and two interviews with the children as brought by one parent and then the other parent. Home visits can be required at the discretion of the assessor. Subsequent and other interviews will be scheduled as required. In the event a settlement can be reached during the process of the assessment, this may be encouraged. Parenting Capacity assessments generally also require at least two interviews with the parents as well as a meeting with parents and children.
6. Following collection of the reports and interviews, a comprehensive assessment report is composed and includes a family history; review of data collected; discussion based upon the data; and concludes with recommendations.
7. Upon completion of this report, a disclosure meeting is held with the lawyers and parties to disclose the content and recommendations of the assessment report. The assessor can withhold the assessment report in the absence of a disclosure meeting. This meeting may also provide an opportunity to settle matters pertaining to custody and access.
8. On average, 25 to 30 hours are required to complete assessments. (Paper review, 3 - 5 hrs.; interviews, 10 -12 hrs.; collateral contact, 2 - 3 hrs.; report preparation, 6 - 8 hrs.; disclosure, 1-3 hrs.) The cost of assessments is based on an hourly fee as per the sliding fee schedule on my website. Travel time will also be billed at the hourly rate plus \$0.60/km.
9. A retainer based on 30 hours + GST, as per the fee schedule from my website, is required prior to commencing the assessment. In the event the actual cost of the assessment is less than the retainer, then a refund will be issued. If the cost is more than the retainer, then more funds will be required prior to the completion of the assessment process. The assessment report will not be released until the entire cost of the assessment has been paid in full.
10. The lawyers or parties must determine how the cost of the assessment will be paid. This is not a matter for the assessor to determine. Cheque(s) or cash must be provided and no action will be taken on the file until funds are cleared.
11. Lawyers and parties must agree that in the event the assessor is called to Court, the assessor will be compensated fully for all time required to prepare and attend, whether or not called upon by subpoena or request and that this will be paid in advance by retainer as per the most current fee schedule of the assessor. Further, the assessor shall be entitled to retain independent legal counsel and to be compensated for the cost thereof on a substantial indemnity basis in circumstances where in his sole and arbitrary determination, his integrity, independence, and quality of service are called into question or in any circumstance where he is required to attend and answer questions in accordance with any subpoena, Order or any other request, whether requiring attendance in person or by any other means such as correspondence, fax, email or telephone.
12. Assuming cooperation from the parties, assessments are generally completed within 4 to 10 weeks after clearing of the retainer cheque and receipt of all required reports.
13. The parties must execute the Assessment Policy Agreement form at our first meeting.