

**A comparative analysis of services
provided by the various professionals and
organizations involved with children and
families during separation and divorce**

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	Workers/agencies under the Family Assistance and Parent Support Program	Family Law Lawyers	Office of the Children's Lawyer and its agents	Children's Aid Agencies and workers/agents	Private assessors and social workers
Are the persons who work with the children sworn under oath to act in the best interests of the children?	Yes Persons working under the program must swear an Oath to protect the best interest of children as defined under the program	No Lawyers swear an Oath only to those who "employ" them. Lawyers cannot act in the best interest of children in a custody dispute.	No No Oath relating to the best interest of children. There is no mandate for the OCL to act in the best interest of children.	No No Oath relating to the best interest of children.	No No Oath relating to the best interest of children
Is the criteria relating to the best interest of children clearly defined and made available to all parties?	Yes The best interests of the children have been clearly defined, published and made available to all parties to review	No	No	No	No
Is criteria relating to the rights of the children defined and made available to all parties?	Yes The rights of children have been clearly defined, published and made available to all parties to review	No	No	No	No
Is it policy that those working with the family required to ensuring that both parents are given the equal opportunity to parent their children in a safe a loving environment?	Yes The rights of children and best interest of children have been clearly defined, published and made available to all parties to review	No	No	No	No
Is the support of the community available or encouraged in individual cases?	Yes The support of the community is available in all cases and, in fact, the collaborative involvement by others in the community is encouraged.	No	No	No	No
Is there a public complaint procedure which is totally open and readily accessible to members of the general public?	Yes Under the program there is a public complaints procedure open to members of the public.	No	No	No	No

<p>Is it policy that parents are required to sign documents in which they guarantee to protect and ensure the best interests of their children?</p>	<p>Yes Under the program all parents who request for assistance must formally sign an acknowledgement that they will protect the best interests of their children.</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>Are the front line workers who support children available on a 7 day 24 hour basis to handle emergencies</p>	<p>Yes Except for extenuating circumstances front line workers can be contacted are available at most times of the day or night</p>	<p>No</p>	<p>No</p>	<p>No Limited support is available on their emergency number but usually with staff unfamiliar with case</p>	<p>No</p>
<p>Do those who work in the program to help the family support a collaborative approach in resolving problems and invite the involvement of all concerned parties?</p>	<p>Yes Policies under the program require that workers accept input and involvement from all concerned stakeholders and to invite them to participate in the process of helping the children and family.</p>	<p>No</p>	<p>No Generally, the O.C.L. gathers information from only the social worker assigned to the case. It is not common to formally involve outside third parties.</p>	<p>No Generally, Children's Aid gather information from only their own social worker assigned to the case. It is not common to formally involve outside third parties.</p>	<p>No Most private social workers or assessors work alone.</p>
<p>Are services of front line workers affordable to most families?</p>	<p>YES Average costs are far less than through other agencies. Some services are free to those who qualify. Comprehensive assessments can sometimes be done for under \$500</p>	<p>NO Most families find the cost of lawyers prohibitive for work outside of that related to court legal services</p>	<p>YES Office of the Children's Lawyer is free in most cases but real costs are still paid by the taxpayer</p>	<p>NO Services generally are not available except for child abuse cases</p>	<p>NO Cost of services often prohibitive with assessment costing thousands of dollars.</p>
<p>Are the front line workers who support children obligated to follow the United Nations convention on the rights of the child of which Canada is a signatory?</p>	<p>Yes Front line workers are obligated to encompass the Convention during the process of helping the family.</p>	<p>No</p>	<p>No Generally not encouraged</p>	<p>No</p>	<p>No</p>
<p>Is it policy that written reports are to be generated in every case if requested by either party in a dispute?</p>	<p>Yes Reports generally are required to be generated in every case, especially high conflict cases. Where reports are requested by a party then a report is mandatory</p>	<p>No</p>	<p>No Reports are generated at the discretion of the OCL office. Parents do not have the automatic right to a report even if they request it.</p>	<p>No Reports and notes generated in most cases but in many cases can only be obtained by court order which many parents find prohibitive.</p>	<p>No Assessors generally provide reports but many social workers or counsellors may not be willing to provide reports unless specifically agreed to beforehand.</p>

Are there safeguards to prevent bias by those working under the program?	Yes Procedures, clearly defined criteria, community review and public complaints process provide high assurances that bias will not be a factor	No As required by their Oath, Lawyers must be biased in favour of their client.	No No specific safeguards to prevent bias by workers and little criteria defined for workers to follow.	No No specific safeguards to prevent bias by workers and little criteria defined for workers to follow.	No No specific safeguards to prevent bias by workers and little criteria defined for workers to follow.
Is there follow-up on the results of the program?	Yes Cases are normally followed up for a period of 12 months with additional follow up where situations warranted. Ongoing follow-up on an annual basis can be offered.	No Generally once a lawyer is finished with a case, his/her formal involvement ends.	No Generally, there is no follow-up procedures once a report or submission has been made to the court.	No Generally, no standardized follow-up procedures once a file is closed.	No Generally, no standardized follow-up procedures once a file is closed.
Are the use of videotapes and audiotapes fully supported by those working in the program to help the family?	Yes Generally workers under the program are required to consent to the use of tape recorders should this be requested by parents or other parties involved in the matters being dealt with.	No Generally, the use of tape recorders are not encouraged	No Generally, the use of tape recorders are not encouraged.	No Generally, the use of tape recorders are not encouraged.	No Generally, the use of tape recorders are not encouraged.
Are the parties involved in dispute invited to have friends or associates attend meetings as support or to act as witness during meetings?	YES Generally the parties are welcomed to include personally appointed third party support persons, although taping of meeting can also serve this purpose. This is policy of FCRS	NO	NO Generally not encouraged nor it is written in policy	NO Generally not encouraged nor it is written in policy	NO Generally not encouraged nor it is written in policy
Are programs available that specifically relate to monitoring compliance to court Orders?	YES The "Custody and Access Compliance Monitoring Service" is available to assist the parties and to provide a reporting service to the court.	NO Not a service that lawyers can provide as they are limited to acting in the interest of only their client.	NO No such specific services available as an advertised service	NO No such specific services available as an advertised service	NO No such specific services available as an advertised service
Do the children involved have input as to who works with them should they feel uncomfortable with any particular person?	YES Should children express concerns about the person who may be dealing with them, then another worker with the organization will be chosen. High priority is placed on this to ensure that the children will provide reliable disclosure.	NO	NO No such specific option readily available. This may require shuffling of personnel	NO No published policy	NO Usually not possible with private assessors without obtaining another court Order or Consent