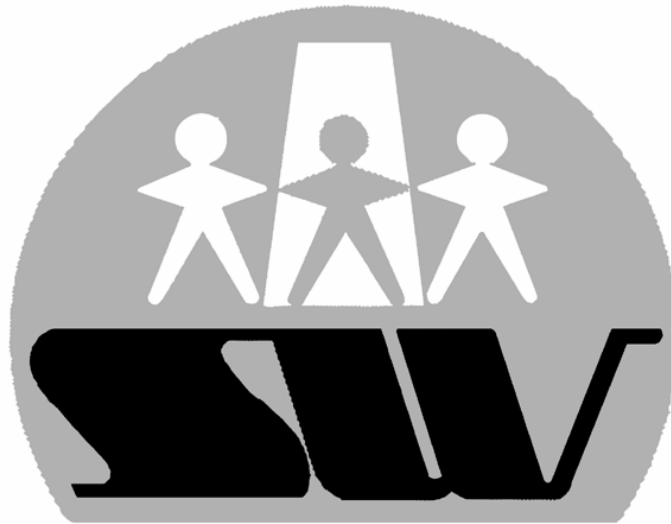


Saskatchewan Association of Social Workers



Standards in Custody/Access for Registered Social Workers in Saskatchewan

INTRODUCTION

The **Saskatchewan Association of Social Workers** [SASW] is the professional body for registered social workers, that has regulatory responsibilities to ensure that the practice of social work is carried out competently and within the ethical guidelines of the profession. The *Social Work Act [1993]* has defined specific responsibilities, some of which includes the following:

- providing for a professional code of ethics;
- setting standards of professional conduct, competency, and proficiency of members;
- setting standards regarding the manner and method of the practice of members.

DEFINITION OF A STANDARD

The definition of a standard is a ... ***"a measure to which others should conform or against which others are judged"***. Standards in social work reflect the values of the profession and define expectations for social workers in the conduct of their duties.

APPLICATION OF STANDARDS

The application of standards includes some the following:

- to provide protection for the public by ensuring quality social work practice as defined by the standards;
- to create the means by which self-regulation can be achieved by the profession within clearly defined expectations;
- to establish a set of references that can be applied in the conduct of practice and in the resolution of issues related to professional practice;
- to create administrative guidelines for hiring, performance appraisals, supervision and management;
- to provide legal reference for courts to judge the scope of practice and competencies for social workers in the conduct of their duties;
- to build sources of information for other professional groups and the general public about the work of the social work professional.

TYPES OF CUSTODY

The Saskatchewan Association of Social Workers adopted the 1994 Canadian Association of Social Workers Code of Ethics. Standards for Professional Practice have been developed by SASW in the following areas:

- **Standards of Ethical Practice for Professional Social Workers in Saskatchewan** [first printing 1995, revised 2001];
- **Standards for the Private Practice of Social Work** [first printing 1996, revised 1999];
- **Standards for Social Work in Schools** [1999];
- **Standards in Child Protection Services for Registered Social Workers in Saskatchewan** [1999];
- **Standards in Health Care For Registered Social Workers in Saskatchewan** [2001];
- **Standards in Custody/Access Services for Registered Social Worker In Saskatchewan** [2001].

SOLE CUSTODY

The term "sole physical custody" refers to all arrangements where the child resides less than 40% of the time, over the course of the year, with the paying parent.

SPLIT CUSTODY AND SHARED CUSTODY

Split custody refers to arrangements where each parent has custody of one or more of the children. In this situation, each parent must calculate how much child support is payable to the other parent for the child or children in the custody of the other parent. Next, any special expenses are divided between the parents in proportion to their respective incomes. Then, the parent required to pay the higher amount would pay the other parent the difference between the two amounts.

Shared custody refers to arrangements where both parents retain responsibility and authority for the care and control of the child. This terminology may mean:

- joint **physical** custody where the child actually lives with each of the two parents on a near-equal basis, or
- joint **legal** custody that does not relate to where the child lives but rather to the fact that each parent has equal voice in the child's education, upbringing and welfare.

[Federal Child Support Guidelines: A guide to the new approach, Justice Canada, May 1997]

PURPOSE OF CUSTODY/ACCESS STANDARDS

1. These standards will provide clear statements about values, principles and ethics upon which child custody/access interventions are based and will define professional conduct in the delivery of these services.
2. These standards will define the responsibilities of supervisors, managers, and child custody/access agencies in relation to carrying out their supervisory functions, building quality programs of service delivery and creating a positive work environment.
3. These standards will be used by SASW as a means by which concerns can be addressed on behalf of the clients and the social workers.
4. These standards will be used by registered social workers to assess the family and provide the family, the lawyers, the courts and other parties to the assessment with information and recommendations.

INTENT OF THE DOCUMENT

The intent of this document is to be constructive. It is the intention of SASW to utilize these standards as a means of defining "best practice" and helping organizations to achieve quality of service delivery on behalf of children, families, caregivers and guardians.

Specifically, these standards will provide guidelines to public and private evaluators for custody/access assessments. Implementation will be in collaboration with local and court decisions.

GOALS OF THE DOCUMENT

This document is to provide registered social workers with goals in preparing a custody/access evaluation. The evaluation shall:

- identify the strengths, vulnerabilities and needs of all members involved in caring for each child;
- identify and assess the nature of the relationships between all parties;
- develop a plan for custody/access utilizing the strengths of each party that will serve the best interests of each child and within those parameters, the wishes and interests of the parents, and in most situations provide them with an opportunity to share in the upbringing of their children;
- through a written report provide the family, lawyers and the courts with these recommendations and supporting data.

[Adapted from the Association of Family and Conciliation Courts Model Standards of Practice for Child Custody Evaluations, February 1995]

STANDARD I

- SOCIAL WORK VALUES -

Social workers providing custody/access evaluations shall adhere to the following values & beliefs:

- (1) maintain the requirements provided in the Code of Ethics as adopted by the SASW , the Standards for the Ethical and Professional Practice, Standards for Private Practice, Standards for School Social Workers and Standards for Social Workers Working in Health Care Settings;
- (2) believe that families, whether or not configured in a traditional or non-traditional way, are the primary social unit of society which provides physical, social, emotional and spiritual nurturance for children;
- (3) believe that it is in the best interests of the children to be part of a family and community, provided their safety and well being can be maintained;
- (4) believe that the provision of preventative services for families reduces the risk and the need for intrusive interventions;
- (5) believe that social workers working in the best interests of the children carry the dual responsibilities of ensuring safety for the children as the primary concern while supporting families in carrying out their duties as caregivers;
- (6) believe that approaches to families should be completed in a cooperative and non-adversarial manner, whenever possible, in order to build healthy, supportive and working relationships;
- (7) believe that assessments, planning, interventions and the utilization of resources can occur in collaboration between the social worker and the family, all of which can be a positive learning experience for all parties;
- (8) believe that unification of the family following apprehension of the children should occur through a process of joint planning between the social worker and the family with input from the court and legal system;
- (9) believe that minority groups from different cultures have the right to practice their traditions within the context of the laws of Canada.

STANDARD II

- STANDARDS FOR SOCIAL WORK EVALUATORS -

In Saskatchewan, custody/access evaluations may be compiled by social workers working in public or private agencies.

1.0 Education & Training

- 1.1 Social workers shall possess a minimum of a Bachelor of Social Work degree from a university social work program accredited by the Canadian Association of Social Workers followed by [5] five years of supervised work experience, one of which should be directly related to working with families.
- 1.2 Social workers with a Masters of Social Work degree from a university social work program accredited by the Canadian Association of Social Workers shall have [3] years of work experience, one of which should be directly related to working with families.
- 1.3 Social workers shall have a knowledge and understanding of child development. This may include university classes, workshops, and work experience.
- 1.4 Social workers shall be skilled in interviewing children and in communication skills, and knowledgeable in family functioning and the impact of separation and violence on children and adults.
- 1.5 Social workers shall have knowledge of the legal and court systems as related to family law in the Province of Saskatchewan.
- 1.6 Social workers shall have knowledge of legislation as it relates to custody/access.
- 1.7 Social workers shall have knowledge of abuse issues [physical, psychological and sexual].

- 1.8 Social workers shall be registered with SASW, and if in private practice, a member of the SASW Registry for Private Practice.
- 1.9 Social workers shall possess knowledge in aboriginal culture and family dynamics.

2.0 Initiating the Evaluation Process

- 2.1 The social worker shall arrange to meet with all concerned parties - individually or jointly. The following areas shall be explained: the evaluation procedures, credentials and role of the social worker, the costs [if any], the components of the assessment, the responsibility of the other parties and the evaluator[s], the duration of the process and the limits of confidentiality.
- 2.2 The social worker shall disclose any past or existing relationship with any of the parties involved with all parties involved in the evaluation.
- 2.3 The communication between the social worker and the lawyers shall be conducted so as to avoid any question of ex parte communication i.e.: copies of the report go to all parties at the same time so as to be without prejudice.

3.0 Consultation

- 3.1 It is strongly recommended for social workers with less than two years of work in custody/access, whether working in a private or public agency, that he/she arrange for consultation in a constructive manner and be willing to provide documentation.
- 3.2 Social workers shall ensure that psychological testing and interpreting shall be conducted by a registered psychologist.

4.0 Evaluation Process

- 4.1 Once the scope of the evaluation has been determined the social worker shall: outline what procedures shall be used to gather information, who is to be included, individual or joint interviews, place of interview, use of observation, testing and the use of collateral information.
- 4.2 The safety of all parties and the social worker shall be a priority.
- 4.3 Where there are two jurisdictions involved and more than one evaluator, it is the responsibility of the requesting evaluator to be specific about required information and assist the other parties in understanding the report. However, all efforts shall be made to have the same evaluator interview all parties.
- 4.4 Children shall be evaluated individually using the appropriate age and development procedures i.e.: observation, play, stories, verbal communication and formal testing may be used. Information about feelings, thoughts and wishes must be obtained through techniques that are not guilt producing. Children should not be asked to choose with whom they want to live.
- 4.5 Collateral information from doctors, therapists, teachers and other health care workers shall be obtained as deemed necessary, related to the issues being evaluated. A release of information shall be obtained and be specific to the areas of inquiry, a time-line established and how the information will be used.
- 4.6 Collateral information obtained from family and acquaintances shall be dealt with in sensitive manner keeping in mind the possible outcomes (e.g.) consequences of the information to cause conflict or harm to the child.
- 4.7 Upon completion of the evaluation, the social worker may meet with the parties, individually or jointly, to discuss the recommendations and their rationale, their presentation to the court, and the understanding that the court may or may not accept them. [See Family Law Reference.]

5.0 Areas of Evaluation

- 5.1 The evaluation shall include the strength and quality of the relationship between parent or caregiver of each child i.e. emotional closeness, how each perceives the other [level of trust and openness] and the ability of caregivers to meet and respond to all the developmental needs [physical and psychological] of each child.
- 5.2 The evaluation shall consider religious, cultural, ethnic and lifestyle factors.

- 5.3 The evaluation shall include an assessment of the relationship between each of the potential caregivers i.e. the ability of the caregivers to communicate and collaborate with other caregivers in order to support each child with their relationships with the caregivers and the role the caregivers may have had in the family discord.
- 5.4 The evaluation shall include an assessment of the functioning of each of the potential caregivers (e.g.) their ability to cope with discord, to provide stability, to assist in all aspects of the child's development [intellectual and emotional] and an assessment of any potential areas for concern.
- 5.5 The evaluation shall include an assessment of the needs of each child (e.g.) health and/or development problems and any adjustment issues [school, friends, community, and extended family].
- 5.6 The evaluation shall take into account each child's wishes and fears, and in doing so, shall not force the child to choose between parents. Each child's interest must be a priority.

6.0 The Evaluation Report

- 6.1 The evaluation report shall be written clearly and without jargon so that all parties [professional and non-professional] are able to understand the report.
- 6.2 The report shall be written in a manner which shows respect for all the parties involved i.e. understanding and empathy.
- 6.3 The contents of the report shall include: identifying data of each party, sources of information, reason for the evaluation, procedures used, family history, evaluation of each child and each caregiver, and an evaluation of the relationships between each child and each of the caregivers and parties involved.

- 6.4 The evaluator shall be aware of and avoid personal biases.
- 6.5 The recommendations and conclusions shall be distinguished from legal facts and opinions.
- 6.6 The conclusions about all parties and their abilities shall logically lead to the stated recommendations.
- 6.7 In Saskatchewan, the report is distributed to all parties at the same time according to individual case requirements.

7.0 Limitations of the Evaluator's Report

Evaluators shall make every effort to include all parties involved in the custody dispute and in the evaluation process itself. Evaluators shall not make statements of fact or inference about the parties they have not seen. On occasion, evaluators may not be able to see all parties in a custody/access evaluation dispute, either because of a refusal of one party to participate or because of logical reasons like geography. In these cases, the evaluator may perform an evaluation but must limit their observations and conclusions: i.e. if only one parent is seen, the evaluator must not make statements about the other parent or recommend custody because that parent has not been seen. The evaluator may report only those individuals who have been seen and on their interactions with each other and may draw conclusions regarding the nature of those interactions, such as whether they continue, not continue or be modified in some way. The evaluation may make comments or state opinions about the need for a more expanded evaluation.

Responsibility and authority for final decisions regarding custody/access rests with the court. The conclusions of the evaluator are one piece of the evidence before the court, all conclusions shall be stated as recommendations.

STANDARD III

- OBLIGATIONS OF AGENCIES, PUBLIC & PRIVATE, CONDUCTING CUSTODY/ACCESS EVALUATIONS -

SASW has the legislative mandate to set standards for its members. The Association expects that Registered Social Workers will meet or exceed these standards in their practice. Employers also have an obligation to the public and to their employees to establish the conditions of employment that enable social workers to meet these standards of practice. While SASW recognizes that it has no jurisdiction to enforce workplace standards, the Association regards workplace conditions to be a critical element in the delivery of quality service.

Agencies, public or private, who provide custody/access evaluations should incorporate the following provisions:

- to demonstrate sensitivity and responsiveness to the ethnic and cultural differences of families and potential caregivers throughout the agency;
 - to maintain equality of services regardless of race, creed, gender, color or sexual orientation;
 - to provide quality consultation for evaluators by supervisors with MSWs and at least five years of experience in the area of custody/access evaluations;
 - to provide a minimum of 40 hours per year of training for each evaluator and
 - to create a positive work-place environment that is committed to safety, well being and respect.
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- to integrate into the work of the agency the requirements provided in the Code of Ethics of the Canadian Association of Social Workers and all the Standards for Professional Social Work practice in Saskatchewan developed by SASW;
 - ensure that supervisors, managers and senior staff of the agency understand, support and implement the values of the social work profession;