

Newfoundland & Labrador  
**College of  
Social Workers**

**Social Work Practice & Parenting Plan Assessments  
(Explanatory Document)**

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*Note: Social workers have a responsibility to be aware of and adhere to the Newfoundland and Labrador College of Social Workers (NLCSW) (2024) Standards of Practice for Social Workers in NL, and the Canadian Association of Social Workers (CASW) (2024) Code of Ethics.*

*This explanatory document is a companion document to the NLCSW (2024) Standards of Practice and replaces the NLASW (2007) Standards for Child Custody and Access Assessments.*

## INTRODUCTION

The *Divorce Act* is federal legislation that applies across all Canadian jurisdictions. Changes to the *Divorce Act* came into force on March 1, 2021. One of the significant changes to the Act includes the replacement of terms such as custody and access, which often carry negative or adversarial connotations, with concepts such as decision-making responsibility, parenting time, and contact. Parenting orders replace custody orders, and the addition of contact orders allows for significant others, not involved in a parental role (e.g., grandparents), to have contact and communication with the child(ren). The underlying intent of these changes is a focus on the best interests of children and their relationships.

During a separation or divorce, parenting arrangements for children may be informally agreed upon by the parents, outlined in a separation agreement, or court ordered. When there is conflict about decision-making responsibility and parenting time, the *Divorce Act* highlights the importance of access to family dispute resolution processes as a first strategy, prior to court involvement.

Social workers are familiar with the impact separation and divorce can have on children and families. While many families successfully agree to parenting arrangements on their own or with the help of a mediator, a small percentage will require a court intervention whereby a judge will issue a parenting order that directs parenting time and decision-making responsibility. Generally, those that require court intervention are families experiencing high conflict, tension, and anger, which may be heightened by allegations of neglect, abuse, and violence. Court intervention in these complex and highly emotive situations is often necessary to ensure that the best interests of the child(ren) remain primary.

Social workers may be contracted to complete assessments to inform the courts' parenting orders that address decision-making responsibilities and parenting time. Grounded in the "person in environment" perspective that seeks to understand the impact of external factors on the health and well-being of individuals and families, social work brings a holistic approach to clinical assessments and evaluation in this complex area of practice.

## **BEST PRACTICES FOR COMPLETING PARENTING PLAN ASSESSMENTS**

- 1.** The best interest of the child is the primary goal of the assessment.
- 2.** Social workers demonstrate competence and knowledge in family systems theory, child development, attachment theory, family violence and abuse, addictions, child welfare, trauma, mental health, grief and loss, and relevant legislation, including child, family, and divorce law.
- 3.** Social workers completing assessments seek the informed consent of those involved, and ensure the parameters of the assessment are clearly defined, prior to beginning the assessment process.
- 4.** Conflicts of interest between the social worker and parties involved in the assessment/evaluation process are disclosed and addressed prior to the onset of the professional relationship.
- 5.** Interviews with parents and other collateral sources may be completed to gather relevant information for the assessment. The social worker maintains a neutral relationship with both parents who are each interviewed and involved in the assessment.
- 6.** Assessments are documented in accordance with the documentation standards.
- 7.** Social workers have access to on-going supervision and/or consultation as appropriate.

## DEFINITIONS

### Social Work

The [Social Workers Act](#) (2010) of NL defines social work as: the assessment, remediation and prevention of psycho-social problems and the enhancement of the social, psycho-social functioning and well-being of individuals, families, groups and communities by using social work knowledge, theory and skills to

- (i) provide direct counselling and therapy services to a client,
- (ii) develop, implement, manage or deliver human service programs, including those done in collaboration with other professions,
- (iii) contribute to the development and advancement of health and social policy, and,
- (iv) conduct research in the science, technique and practice of social work.

### Social Worker

To refer to oneself as a social worker or to practice within the scope of practice of the social work profession in NL, an individual must meet the criteria for registration as outlined under the *Social Workers Act* (2010) and be actively registered. Registered social workers are granted the RSW designation. Use of the RSW designation affirms an individual has met the criteria for registration and has been granted use of the title and right to practice social work in NL.

### Client

A client “refers to the recipient of social work services and can include an individual, family, group, community, or organization” (NLCSW, 2024, Standards of Practice).

### Private Practice

Private practice in NL is defined as the provision of social work services, on a full time or part time basis, by a registered social worker who is self-employed, a member of a partnership/group practice, or independent contractor. Social workers in private practice are autonomous and responsible for the quality of social work services and ensuring compliance with the legislation, code of ethics and standards of practice.

## WHAT IS A PARENTING PLAN ASSESSMENT?

Parenting Plan Assessments (which will be referred to as the assessment throughout the document) are assessments that are used by the courts to determine decision-making responsibilities and parenting time when there is a separation and divorce. These assessments can be completed by social workers and are typically ordered when parents cannot agree on these areas. As an assessment is one source of information used by the court to issue a parenting order, it is crucial that these assessments are completed in a manner that is impartial, objective, and with the best interest of the child(ren) being paramount. Parents may also seek to have an assessment completed on their own to help with their decision-making or as part of the dispute resolution process.

## CODE OF ETHICS AND STANDARDS OF PRACTICE

Social workers in Newfoundland and Labrador (NL) have a responsibility to be aware of and adhere to the Canadian Association of Social Workers (CASW) (2024) [Code of Ethics, Values and Guiding Principles](#) and the Newfoundland and Labrador Collage of Social Workers (NLCSW) (2024) [Standards of Practice for Social Workers in Newfoundland and Labrador](#).

Social workers contracted to complete court assessments for families experiencing separation and divorce are engaged in private practice and must have a clear understanding of their ethical responsibilities and maintain appropriate professional liability insurance. The requirement for professional liability insurance is outlined in section 18.1 of the [Social Workers Act](#), and Standard 21 of the NLCSW (2024) [Standards of Practice](#).

## BEST PRACTICES FOR COMPLETING PARENTING PLAN ASSESSMENTS (ELABORATED)

1. The best interest of the child is the primary goal of the assessment.

The UN Convention on the Rights of the Child (1989) highlights the significance and importance of the best interest of the child principle. Article 3 notes: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”.

When completing assessments to inform the court in cases of separation or divorce, the best interest of the child(ren) should be the primary focus guiding the assessment process. The Divorce Act (2021), outlines the criteria for best interest of the child:

- Child's safety, security and well-being (primary consideration)
- Child's needs, given the child's age and stage of development, such as the child's need for stability
- Nature and strength of the child's relationship with each spouse, siblings, grandparents and other important persons
- Each spouse's willingness to support the development and maintenance of the child's relationship with the other spouse
- History of care of the child
- Child's views and preferences
- Child's cultural, linguistic, religious and spiritual upbringing and heritage, including Indigenous upbringing and heritage
- Plans for the child's care
- Ability and willingness of each person in respect the order would apply to care for and meet the needs of the child
- Ability and willingness of each person in respect of whom the order would apply to communicate and cooperate
- Any family violence
- Any civil or criminal proceeding, order, condition, or measure that is relevant to the safety, security and well-being of the child

It is important that the needs of each child in a family be assessed separately and objectively to determine their emotional, physical, and psychological needs, and each parent's ability to meet these needs. Social workers completing assessments ascertain the views of each child in keeping with their age and maturity. The child's relationship with significant others involved in the care of the child or those seeking a contact order should be included where appropriate.

Social workers use professional judgement based on their knowledge and expertise to ascertain the views of children. It is important that the child(ren) understand they are not expected to choose between their parents.

2. Social workers demonstrate competence and knowledge in family systems theory, child development, attachment theory, family violence and abuse, addictions, child welfare, trauma, mental health, grief and loss, and relevant legislation, including child, family, and divorce law.

As assessments are typically carried out with families experiencing high conflict and dealing with a multitude of complex issues, it is essential that social workers have the necessary skills, knowledge, and competencies for working in a highly confrontational and legal environment. Social workers must have extensive knowledge of the impacts of separation on children and families. They should possess a solid understanding of relevant legislation and complete assessments that are grounded in research and theory.

Social workers who complete court assessments should also have strong knowledge in family systems theory, child development, attachment theory, family violence and abuse, mental health and addictions, trauma, child welfare and grief and loss. Advanced interviewing skills for both adults and children, and skills in conflict resolution/mediation is necessary.

As noted in the NLCSW (2024) [Standards of Practice](#), social workers should also ensure cultural competence and “seek to understand the values, beliefs, traditions and historical context of clients and incorporate this knowledge into social work assessments and interventions” (p. 17).

When faced with issues that are outside their area of expertise, social workers should consult with external experts, while maintaining the confidentiality of the parents and families involved in the assessment.

3. Social workers completing assessments seek the informed consent of those involved, and ensure the parameters of the assessment are clearly defined, prior to beginning the assessment process.

Informed consent is integral to the provision of social work services. Social workers who complete assessments must ensure all parties understand: the scope of the assessment, what issues are to be addressed, whether specific issues (e.g., the presence of parent alienation, domestic violence) will be captured, how information will be collected and documented, whether recommendations are required, the limits to confidentiality, and associated fees and costs.

When the assessment is mandated by the court, social workers seek the informed consent of all those involved to the greatest extent possible in keeping with one's ethical responsibilities.

When assessments are ordered by the court, it is important to note that the court owns this information regardless of who pays for it.

4. Conflicts of interest between the social worker and parties involved in the assessment/evaluation process are disclosed and addressed prior to the onset of the professional relationship.

In situations where the social worker has had a previous relationship with the family, parents, and/or children, this should be openly disclosed to all parties to avoid actual or perceived bias and in keeping with one's professional responsibilities. As noted in the NLCSSW (2024) [Standards of Practice](#), "social workers avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgement, or which may result in client harm" (p. 15). If possible, it is recommended that the social worker make a referral to another Assessor. In situations where the social worker has provided therapy or clinical services for the child(ren) or family who is the focus of the assessment, a referral should be made to another Assessor.

Social workers should also disclose any previous relationships with lawyers, or the judge, involved in cases where they are completing assessments to inform parenting orders. This is done to avoid potential or perceived conflicts of interest and the interpretation of bias.

Fundamentally, it is important that social workers completing parenting assessments maintain their role as a neutral, third party. Social workers should only complete assessments that are court ordered or initiated via a consent order signed by both parties. Engaging in an assessment at the request of only one party may raise questions about the ability of the social worker to maintain a neutral position.

5. Interviews with parents and other collateral sources may be completed to gather relevant information for the assessment. The social worker maintains a neutral relationship with both parents who are each interviewed and involved in the assessment.

When completing assessments, it is imperative that both parents are involved unless otherwise ordered by the court or mutually agreed upon by both parents. A comprehensive assessment requires that both parents be interviewed using the same assessment technique to maintain the integrity of the assessment and to avoid biased information. If one of the parents is not available or refuses to be interviewed, the reasons for this omission should be documented by the social worker and conclusions should not be made about any parent not interviewed.

Direct observation is best, and while it is recognized that social workers may be provided with third party information and interpretations, it is important that this information is documented as such, and that recommendations are not made based on this information. Respective partners of one or both of parents who are involved in the care of children should also be interviewed with the parents and observed interacting with the children.

When the use of collateral resources such as teachers, physicians, and day care providers is deemed necessary for the completion of the assessment, it is important to obtain the informed consent of both parents which outlines the information that is being requested.

**6. Assessments are documented in accordance with the documentation standards.**

It is recognized that social workers will prepare documentation that is accessible for use by the courts, and that the format may vary depending on the theoretical style of the social worker. However, it is important that all assessments contain essential and relevant information to inform the courts parenting order and recommendations should be based upon objective facts and information. Social work documentation should be in keeping with the documentation standards of the social work profession in NL.

**7. Social workers have access to on-going supervision and/or consultation as appropriate.**

Supervision and/or consultation are essential to the on-going professional development of social workers involved in this area of practice. This is not an entry level social work position. It is recommended that social workers have experience in child welfare, mental health and/or experience working with children and families, which can be enhanced through regular peer consultation and supervision.

## **OTHER CONSIDERATIONS**

There may be times when a social worker, who has not been contracted to complete an assessment, is subpoenaed to court to provide information that could impact a parenting order. This may include social workers employed in child protection, corrections, or those who provide individual and family counseling. In these circumstances, social workers should only provide information about individuals who have been seen by the social worker. Social workers are advised to seek consultation/legal advice prior to testifying in court.

Social workers working with children and their families in a therapeutic context, and not as part of a court assessment, should not make recommendations with regards to parenting time and decision-making responsibility or sign letters in favor of one parent. This can create dual relationships and conflicts of interest that would not be in the best interest of the child. It is important that social workers explain their role to clients during the informed consent process.

Through the informed consent process and in keeping with one's ethical responsibilities pertaining to confidentiality, social workers seek the written agreement from both parents and their respective legal representatives where applicable, on how information will be documented and disclosed as part of any court proceedings.

## **CONCLUSION**

This document highlights best practice guidelines for social workers who are contracted to complete decision-making responsibility, parenting time and contact assessments for families experiencing separation and divorce. It is intended to provide guidance and support to social workers, and raise awareness of the practice considerations and ethical responsibilities. The ultimate goal is excellence in social work practice.

## REFERENCES

An Act Respecting Divorce and Corollary Relief (Divorce Act), RSC, 1985, c.3 (2<sup>nd</sup> Supp.).

<https://laws-lois.justice.gc.ca/eng/acts/d-3.4/index.html#hist>

An Act Respecting the Law of Children (Children's Law Act), RSNL 1990, c.13).

<https://www.assembly.nl.ca/legislation/sr/statutes/c13.htm>

An Act Respecting the Law of the Family (Family Law Act), RSNL, 1990, f.2).

<https://www.assembly.nl.ca/legislation/sr/statutes/f02.htm>

An Act Respecting the Practice of Social Work (*Social Workers Act*), SNL 2010, S-17.2.

<https://www.assembly.nl.ca/Legislation/sr/statutes/s17-2.htm>

Canadian Association of Social Workers. (2024). *Code of ethics*. [https://www.casw-acts.ca/files/attachements/CASW Code of Ethics Values Guiding Principles 2024\\_0.pdf](https://www.casw-acts.ca/files/attachements/CASW_Code_of_Ethics_Values_Guiding_Principles_2024_0.pdf)

Newfoundland and Labrador College of Social Workers. (2024). *Standards of Practice for Social Workers in Newfoundland and Labrador*. <https://nlcsw.ca/wp-content/uploads/2024/02/standards-of-practice-for-social-workers-in-nl.pdf>

Newfoundland and Labrador College of Social Workers. (2022). Social work recording explanatory document. [https://nlcsw.ca/sites/default/files/inline-files/Social Work Recording Explanatory Document Updated November 2022.pdf](https://nlcsw.ca/sites/default/files/inline-files/Social_Work_Recording_Explanatory_Document_Updated_November_2022.pdf)

United Nations. (1989). Convention on the rights of the child.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>