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Specialized Family Law Clinical & Reporting Services

CBABC Family Law - Vancouver Island Section Meeting

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MA/RCC/Q.Arb

Today's topics.

Introduction

Reports

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A bit about me.

Master of Arts (MA) in Counselling Psychology, Bachelor of Arts (BA) in Child & Youth Care, Diploma in Child & Youth Care Counselling, with specialized training in DBT, CBT, Early Psychosis Intervention, Trauma Incident Reduction, Solution-Focused Therapy, Mediation & Family Law Mediation, Art & Play Therapy.

Over 25 years of providing counselling support to children, youth and families.

Over a decade of formal assessment and report-writing across B.C. including mental health assessments, family violence screenings, Views of the Child Reports, Hear the Child Reports, and Section 211 Parenting Assessments in government and private practice.

Over two decades of court reporting and expert witness testimony, and clinical experience in school, community, government, and private settings.

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Reports.

Hear the Child Report

Verbatim representation of the child(ren)'s thoughts and opinions on school, friends, holidays/vacations, special occasions, living arrangements, time spent with each parent and their parent's new spouse/partner (if applicable), as well as their relationship(s) with any siblings or step-siblings. Standardized questions with no evaluation.

PROS: Inexpensive | Fast Preparation Time

CONS: No Evaluation | No Recommendations | Does Not Address Parenting Arrangements/Responsibilities
Point-In-Time Opinions | Little/No Historical Information Considered

Reports.

Views of the Child Report

The same standardized questions with an evaluation that considers: the maturity and ability of the child(ren) to express themselves, the strength and consistency of the child(ren)'s views, and whether the child(ren)'s statements accurately reflect their preference(s).

PROS: Inexpensive | Fast Preparation Time | Includes Evaluation

CONS: No Specific Questions (Without Court Order) | No Recommendations | Does Not Address Parenting Arrangements/Responsibilities | Point-In-Time Opinions | Little/No Historical Information Considered

Reports.

Section 211 Parenting Assessment (aka “the Full Enchilada”)

Interviews with parents, new partners/spouses, collateral references (friends/family, neighbours, co-workers), anyone living in the home with direct contact with the child(ren), children and step-siblings, home visits, enhanced family violence screening/spousal/partner abuse screening, legal review, MCFD/RCMP file review, consultation with external professionals.

PROS: All-Inclusive | Addresses Family Violence, Parenting Arrangements/Responsibilities | Enhanced Evaluation | Includes Home Visits | Includes Extensive Recommendations | Historical Information Considered

CONS: Expensive | Not Standardized | Government-Subsidized Program Grossly Inadequate

Mythbusters.

Each report has a specific scope - be wary of report writers that do not “stay in their lane” and promise evaluations, assessments, or recommendations for related (or even unrelated) issues/concerns. They are likely not qualified to do so, and are out there giving the rest of us a bad name.

Each report (aside from Section 211 Parenting Assessments, formally) contain questions that follow a standardized list according to practice standards. Ask your potential interviewer/report writer if they adhere to these practice standards, and be wary of those that do not.

Seek an interviewer/report writer trained in neutral child interviewing and ideally with a background in child development, child protection, social work, counselling, psychology, or extensive training in lieu of.

Reports should always be longer than the interviewer/report writer’s CV.

Mythbusters.

Despite what you may hear, attachment disruption (parental alienation) does not yet have a standardized, widely-approved evaluation method, though the “signs and symptoms” can often be observed directly in children’s statements or indirectly by reading between the lines of any style of report.

Each child needs their own separate report in a separate document, both for their own privacy but because they are their own human being and there may be future consequences in terms of FOI requests, etc...

Notes and records belong to the people they pertain to (including children). If the children have redacted information, this is (or should be) noted in reports and should be taken by legal counsel (and the court) as a hint to dig deeper.

Subpoenas for notes and records follow a process, and in most cases these are provided directly to a judge.

Clinical Services & Court-Involved Families.

Giddy-up! High-conflict work is not for the faint-of-heart, and requires a specialized and coordinated approach no matter what the issues are.

Most commonly, those issues are: parenting (co-parenting) after divorce/separation; reunifying a child or children with a parent after divorce/separation; and issues that are addressed in Views of the Child or Hear the Child Reports such as relocation, living arrangements (parenting time), and child-justified estrangement.

There is always one party that does not want to engage, and they will go out of their way to limit their availability, that of the child(ren), ***even with a court order***, and focus solely on what everyone else is doing wrong or how they are being negatively impacted (narcissism, anyone?). These highly-litigious parties file complaints, sue, kick and scream the whole way (or don't respond at all), and make everything more expensive and time-consuming for everyone. Wonder why there are only a few of us doing this type of work?

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Clinical Services & Court-Involved Families.

Over the years I have developed a highly-programmed approach to combat this and create buy-in from all involved.

This includes detailed parent intakes, managing expectations and setting dates/deadlines for certain milestones for each type of service, and in-depth assessments to determine what obstacles, patterns, abilities/capacities may be at play to create the best chance possible for success.

Despite this, some parties may be just fine with paying legal bills to not have to engage in any type of service, and that has to be expected in some cases (delay, ignore, stall, etc...). Regardless of your particular client's stance, the role of a family lawyer is an important one, with one critical aspect often overlooked: facilitation. As legal counsel, ***you have the ability to facilitate your client's meaningful participation in a transformative process.***

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Clinical Services & Court-Involved Families.

Sometimes you are the shoulder to cry on, sometimes you are the punching bag, sometimes you are the truth-seeker, and sometimes you are the enforcer.

Your work in this area does not go unnoticed, and those of you that have worked with me in the past will know that I keep you close at hand for all of the above as a truly collaborative approach in these complex and sometimes years-long files.

Trauma-informed approaches to clinical service applies to all parties and has the highest rate of success with court-involved families - dialling back, many (if not all) participants have experienced some level of trauma that has brought them to this point to begin with. This could have been during childhood, or it could even have been the relationship they just left, but it's trauma regardless. This leads in to the assessment phases and more in-depth clinical service in terms of Co-Parenting, Family Reunification, and support for children.

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Assessments.

Approach

In medicine, treatment doesn't begin without a diagnosis and other considerations. Similarly, co-parenting and family reunification programming cannot begin without assessing the parties' readiness.

I have developed an approach with limited contact amongst the parties (due to their high-conflict nature) in order to determine what their level of readiness or buy-in is for the particular service and its intended outcome.

Benefits include a less time-consuming and expensive process and definitive steps forward to assist families in either entering in to co-parenting, family reunification or generalized clinical support programming, or to better understand their "new reality" if moving forward with such programming is not recommended.

Assessments.

Co-Parenting Assessment

This type of Assessment involves session work and interviews with each parent individually, as well as any new partners/spouses that may act in a parenting capacity, interactions with the children, and check-in/reflection exercises for the parents. Following that are brief, facilitated interactions with one another to find areas of common ground and to observe the dynamic in order to determine if the parties are able to successfully develop a healthy co-parenting relationship and what that may involve.

A formal document is presented upon completion outlining what steps were taken and what action items or recommended next steps may be. Typically this outlines the “yes”, “no” and “maybe” aspects that brought the parties to this stage to begin with, and provides a clear path forward regardless of the outcome.

Assessments.

Family Reunification Assessment

This type of Assessment identifies the various factors at play and provides a variety of potential solutions for everything from attachment disruptions to co-parenting or blended family concerns, and developing reconnection between a child and a parent and/or to extended family members.

A formal document is presented upon completion of sessions involving the child(ren) and both parents/legal guardians, all individually. These are exploratory in nature and intended to assist in determining whether or not the full family reunification program is warranted or of any use, which is outlined in the final document.

Sometimes estrangement or distancing is warranted, and this will be identified as well.

Programming.

Following the Assessment phase, or if readiness has been determined otherwise, the parties may enter in to co-parenting or family reunification programming, or they may require customized general counselling support programming to meet their own unique needs.

Rule number one: active, meaningful participation is required from everyone involved. After high-conflict divorces or separations lead to contact or connection issues between parents or with a child or children, estrangement has occurred, or even relocation has affected the relationship(s) between family members and a disconnect has occurred, there is hard work to be done to repair that damage.

All programming moves at the pace of the parties, but typically covers 3-4 months (and sometimes much longer, again dependent on the parties).

Accessibility.

If COVID has taught us anything, it's that a lot can be done virtually.

Aside from home visits and extenuating circumstances or ages of children that may impact the quality or substance of interviews, most everything can be completed by Zoom.

Even pre-COVID, it is important that (particularly for report-writing) interviews with children take place in a neutral location such as a private room at a library, or a clinical counsellor's office.

With these processes I have been able to successfully complete reports without the cost of travel to the parties in all regions of BC.

Keep in touch!



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Questions?

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