

*CUSTODY DISPUTES: EVALUATION  
AND INTERVENTION*

By Ruth S. Parry, Elsa A. Broder  
Elizabeth A.G. Schmitt, Elisabeth B. Saunders and Eric Hood

Toronto: D.C. Heath, 1986

194 pp.

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In *Custody Disputes: Evaluation and Intervention*, the authors describe the process they have developed for responding to custody and access disputes and discuss the legal and mental health context of these disputes.

The Custody Project is a group of private practitioners, primarily psychiatrists with academic as well as clinical experience, operating under the aegis of the Child and Adolescent Division of the Department of Psychiatry of the University of Toronto. The project was begun in 1971 in response to a request for assistance by one of the Justices of the Supreme Court of Ontario, and is co-ordinated administratively by the Toronto Family Court Clinic.

The book will be of value to Family Law practitioners who seek a better understanding of the families who fight over their children, and of the approaches taken by mental health professionals. The chapters on "Family Characteristics and Clinical Interventions" by Elisabeth B. Saunders and "Therapeutic Considerations" by Elsa A. Broder are based on Custody Project research, but also relate their findings to the clinical and research literature. The chapter on "Clinical Issues in Custody Disputes", while accepting legal labels like joint or sole custody, also provides a review of the literature and a discussion of clinical experience with custody project families. Here, as elsewhere in the book, the beliefs or assumptions which underlie the group's work with families and the factors which are most influential in their assessment decisions are clearly identified and explained. A further chapter on "Clinical Issues In Access Disputes" asserts that these are more complex and troubling than custody disputes, and proceeds to discuss the issues, including access supervision and denial of access, from the perspective that access is the child's right, not that of the parent.

Readers interested in models of service delivery to separating and divorcing families will also find this book of interest. The Custody Project model is described very clearly, to the point of including sample letters to lawyers and an assessment report. Although there are similarities in the knowledge base and belief systems dictating the approach to family assessment and mediation, the model presented is radically different from that established both in law and service delivery in Manitoba.

In Winnipeg, the Court of Queen's Bench (Family Division) has a publicly funded and universally accessible service providing voluntary custody and access mediation by professional staff who are primarily social

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workers. Family Conciliation also provides assessments at the direction of the Court and at no cost to the family. The Manitoba Court of Queen's Bench Act makes a clear distinction between confidential mediation and the assessment and report. By contrast, the Toronto Custody Project requires the consent of all parties and the active involvement of counsel. Costs for what is essentially a private psychiatric service are borne by the parties. Of greatest interest, however, and consistent with the provisions for open mediation in the Ontario *Children's Law Reform Act*, is the project's practice with every family of first conducting an assessment, then sharing the findings with the family and attempting to engage them in the mediation of a custody and access plan which is consistent with the clinician's conclusions. Whether or not a mediated agreement is reached, a written report is provided to counsel and the Court. The growing Ontario experience with blending assessment and mediation can be provocative to established ideas and practices in Manitoba and merits examination.

*Custody Disputes: Evaluation and Intervention* is well researched, very clearly and simply written, and generally free of psychiatric or other jargon. It would be a worthwhile addition to the library of both the family law practitioner and the mental health professional.