

CUSTODY DISPUTES, EVALUATION AND INTERVENTION

by Parry, Broder, Schmidt, Saunders and Hood

The objective of *Custody Disputes, Evaluation and Intervention* is to describe the parameters of the University of Toronto's custody project and to outline what the project learned from its court supported intervention in the most difficult types of custody cases.

The first readings in the book consist of two case studies of very typical custody battles. The reader is reminded of the extreme sadness and intractable conflict that these impossible situations bring with them. What follows is a selection of articles by various authors which are an excellent development of the topic.

The first two chapters look historically at the applicable law in custody disputes and the role of the mental health professions in them. The reader is brought to the present without learning much new on either topic. Both articles point the reader's interest into the developing future, however, which is where the University of Toronto's custody project is doing its work. The issues of mediation, conciliation, joint custody and minimal intervention are sensitively introduced and questioned.

After laying the ground work on the activity of both professions (legal and mental health) in custody issues, the custody project model is described, complete with graphs outlining referral sources. It is of interest to this writer that the professional fees of the workers in the project are secured by undertakings from legal counsel to pay them . . . a precaution that was taken after some experience.

The heart of the book is contained in a display of the project's data. Simple, explicit graphs show the project's statistics on a number of variables including the numbers of parents in the project who suffered an unhappy childhood, the age at which those parents married, and the number of parents who had undergone psychiatric treatment during or prior to the project's intervention. The project's recommendations are disclosed at 73 percent in favour of sole custody, that being 11 percent less than Ontario's statistics reveal. Interestingly enough, 51 percent of the sole custody recommendations were in favour of the fathers.

The reader is not left wondering about these statistics. The reasons for the recommendations are set out in descending order of importance, the first one being bonding, the second to unite siblings, the third being the children's wishes, and so on. A further dissection of the sole custody recommendations is made by a statistical breakdown by age and sex of the children involved. This analysis by Elizabeth Saunders of the data obtained from the project was captivating reading for this divorce lawyer. Unfortunately, Ms. Saunders' excellent analysis reveals the book's largest disappointment. One hopes to be given the same kind of simple and explicit data on post settlement successes. Instead Ms. Saunders admits at the end of her chapter that follow up data is lacking.

Eric Hood describes step by step the process of clinical intervention from the first contact with counsel to the sending off of the written report to counsel. He very briefly mentions that the use of mediation intensifies after evaluation of all parties within the family system. This writer was left

wanting more information on the post evaluation use of the mediation process. A chapter follows by Elsa Broder in which she gives situational examples to demonstrate the role that therapy was given during the intervention to help alleviate the hurt feelings of the parents involved. The examples are excellently chosen. However, there was very little explanation of how therapeutic involvement can occur while maintaining the integrity of the evaluation process.

This book is then wound up beautifully in two chapters which are a simple outline, useful to any lawyer involved in disputes over children, on the clinical issues in custody and access disputes. Mention is made that in the project's history, access disputes were found to be more difficult than custody disputes. An excellent discussion emerges including a rationale for the denial of access in four percent of the project's cases despite its support of a model preserving continuing relationships with both parents. The two case studies which headed the book came to successful conclusions. It is a relief to read their resolutions and, immediately following, the seven beliefs held by the authors which form the back bone of their interventions. It is important to note that although the data from this project was collected before the proclamation of the Divorce Act in 1985, the seven beliefs held by the authors align with the intention of the new legislation. The book comes with a sample referral packet and sample report for those involved in similar projects who wish to compare. The bibliography is extensive and the index adequate.

Custody Disputes, Evaluation and Intervention, will be of interest to professionals involved in projects similar to the University of Toronto's custody project. It will also be of interest to lawyers making referrals to such projects. The book can assist lawyers acting in custody and access disputes. Justices who make the assumption that parents need their "day in Court" should consider the statistics contained in this study. Their referrals outside of the traditional litigation sphere would increase.

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