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**Social Workers and Lawyers:  
A Study of Interprofessional Collaboration  
Within a Local Child Protection Agency**

**BY**

**BEVERLY HUTCHISON**

**A Thesis  
Submitted to the Faculty of Graduate Studies  
in Partial Fulfillment of the Requirements  
for the Degree of**

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**University of Manitoba**

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**SOCIAL WORKERS AND LAWYERS: A STUDY OF INTERPROFESSIONAL  
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## **Abstract**

Several American authors have highlighted the nature of the relationship between social workers and lawyers. One of the areas examined in further detail in this literature includes the assignment of roles and responsibilities to each professional group. One study, conducted in the early 1970's, replicated by other researchers in 1982 and then again in 1988, focused on tasks and task assignment in child welfare court proceedings. The results of these studies provided inconclusive results as to whether social workers and lawyers agreed or disagreed on the assignment of roles and responsibilities to tasks found in child protection proceedings. This study explored the relationship between social workers and lawyers within Winnipeg Child and Family Services. A questionnaire depicting 42 tasks commonly found during all phases of the child protection proceeding was distributed to 113 "front-line" social workers employed by Winnipeg Child and Family Services and 104 lawyers identified as involving themselves in child protection proceedings. Each respondent was asked to select which professional should have primary responsibility for each of the listed tasks. Quantitative analysis determined that there existed statistically significant differences in the opinions obtained from social workers and lawyers for 43% of the tasks. The majority of these differences (54%) existed at the "front-end", or at the pre-adjudication phase of the child protection proceeding. A supplemental, qualitative component of the study identified possible explanations for the study's results, as well as how the social worker/lawyer relationship is impacted by

**differences of opinion between the two professionals. Comments were also offered on how such differences may affect clients. Finally, recommendations were gathered on what initiatives or efforts could be developed to enhance the relationship between social workers and lawyers.**

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## CHAPTER I

### INTRODUCTION

"The average client seeking assistance from a legal attorney is beset by a multitude of social problems, one or more of which has precipitated the legal problem the attorney is asked to handle" (Ferruggia, 1986, p. 134).

The area of social worker/lawyer collaboration has been discussed in the literature for 30 years. Researchers have examined the professions of Social Work and Law from their respective ideologies (King & Piper, 1995), methodologies, (Sloane, 1967), and brain hemisphericity (Lau, 1983). Exploration of their respective job functions, as well as the roles and responsibilities carried by each profession have also been highlighted (Smith, 1970; Fogelson, 1970) specifically in the context of child protection cases (Brennan & Khinduka, 1971; Weil, 1982; Russel, 1988). The results of these three particular studies, which sought to explore the degree in which interprofessional role conflict existed between the two professions, provided inconclusive results to its readers. These three studies also provided, in conjunction with this researcher's own experience as a "front-line" child protection worker, a significant impetus to this project being undertaken and the topic of social worker/lawyer collaboration being examined at a local level.

On occasion, social workers and lawyers are required to collaborate. The opportunities increase if the social worker is employed with a child protection agency. Given that the largest number of employers of all social workers are

child protection agencies (Chambers et al., 1997, p. 5) and the nature of child protection becoming "increasingly litigious" (Blisben, 1991, p. 195), the necessity of social worker/lawyer collaboration is without question.

Zuelfe (1997) reports that approximately 20% of all child protection cases in Manitoba proceed to actual litigation. The following table demonstrates pre-trial and trial "court time" statistics (E. R. Sellick, personal communication, September 16, 1997) for Winnipeg Child and Family Services (WCFS) and Agency counsel.

**Table 1**

**Utilization of Court Time: September/95 to June/97**

	<b>Sept/96-June/97</b>	<b>Sept/95-June/96</b>
<b>Prctrials</b>	475	340
<b>Trial Dates Set</b>	466	338.5
<b>Actual Trial Time</b>	100	77.5

This local data indicates that from September/96 to June/97, social workers employed by Winnipeg Child and Family Services (hereafter referred to as WCFS) and lawyers were involved in 475 pre-trials; 135 more than in the previous year. While there were 466 days set for trial during this period of time, only 97 of those days were actually used. A year earlier, from September/95 to June/96, there were 340 pre-trials, 338.5 days set for trial and only 77.5 days actually used. In comparing these two years, it can be seen that there has been an increase in both pre-trials and trials. Accordingly, there has also been an

increase in the amount of contact between social workers and lawyers in contested child protection proceedings. If the trend continues (i.e. rising numbers of contested child protection proceedings), it would seem even more appropriate and important to evaluate the roles and responsibilities of each professional as they relate to the other. Despite this trend, little research has been conducted on the working relationship between social workers and lawyers. In fact, no local studies exploring the topic of professional roles and responsibilities and identifying "who does what?" in a child protection proceeding have, to the best of my knowledge, ever been initiated. Given the under-researched nature of this relationship, combined with the increased propensity for contact between the two professions and the personal observations and direct experiences of this writer in several contested child protection cases, the need for further exploration on the topic of social worker/lawyer collaboration was identified.

Some might argue that, consistent with Zuelfe 's findings (which reflect numbers province-wide), 20% to 23% of child protection cases proceeding to actual litigation is a relatively small component of the total caseload of any one particular social worker to be worried about or interested in examining.

However, the composition of any one particular caseload varies significantly from office to office around WCFS and those cases resulting in litigation are likely the most difficult and/or complex if one was to measure them in terms of workload. In essence, the numbers may appear small, but the type of cases that do result in litigation could be the benchmark by which an examination is undertaken as it is

during these complex, contested cases that the impact of social worker/lawyer collaboration is most apparent. While a specific examination of the ingredients found within a contested child protection case is desirable, it is beyond the scope of this study. The larger question of "who does what?" in child protection proceedings served as the guideline by which this research was conducted, as it is during the intense, stressful, and challenging experience of the contested child protection proceeding that social worker/lawyer relationships are most vulnerable and most important.

The intention of this study was to identify the degree to which social workers and lawyers agree and disagree about which professional has primary responsibility for 42 tasks commonly encountered throughout the child protection proceeding. In this study, a cross-sectional survey research design was utilized. A modified instrument, based on those used by Brennan and Khinduka (1971), Weil (1982), and Russel (1988), was pretested and distributed to all of the "front-line" social workers employed by WCFS and lawyers who involve themselves in child protection proceedings representing either the Agency or parents/children involved with WCFS. Quantitative analysis sought to determine which tasks resulted in significantly different opinions from social workers and lawyers and which tasks did not. A supplemental, qualitative component was also included in this project by the use of focus group interviews being held with voluntary members of the social work profession and members of the law profession to offer a more rounded, subjective addition to the examination of this topic. It was

hoped that in holding such interviews, those participants willing to partake in such a process could not only offer their opinions on the results of the study but implications for the future as it pertains to social workers, lawyers, and clients could also be provided. For the purpose of this study, the terms "social worker" and "child protection worker" were used synonymously. The next chapter will review the literature regarding social worker/lawyer collaboration.

## CHAPTER II

### LITERATURE REVIEW

#### Social Work and Law - A Historical Perspective

Pre-conceived notions and stereotypes of social workers and lawyers may inhibit a positive working relationship between the two professions and may contribute to a working relationship characterized by tension and animosity.

Compton and Galaway (1989) remind professionals that:

. . . without effective teamwork and collaboration, clients and families in the social service system are caught in a nightmarish fragmentation of care. When families and clients are left alone to resolve professional conflicts, to reconcile these incongruities, and deal with often contradictory advice, multiple talents and inputs, no matter how skilful from the view of the professional, become burdensome rather than helpful (p. 598).

Yet the conflicting ideologies and methodologies between social work and law, between "justice" and "welfare", have been reflected in the social work literature for over three decades.

Thirty years ago, Sloane (1967) wrote that the relationship between social workers and lawyers was "uneasy" (p. 86). In his interviews with 22 social workers and lawyers, he concluded that the fundamental values held by each profession were not the source of the antagonism, but rather that the methods adopted by each profession were. He stated:

The social worker tries to resolve differences by case conference and

**consensus, not the clash of adversaries. The legal approaches of conciliation and mediation at least are comprehensible to the social worker, but the adversary system is entirely beyond his conception of the usual means of conflict resolution (p. 92).**

**Bullock (1984) echoed Sloane's findings. She wrote:**

**Whilst the practising lawyer and social worker are in the business of helping people with conflict resolution, there are fundamental differences in their objectives and methodology. The lawyer is primarily concerned with individual legal rights, while the social worker is concerned with the individual and his or her needs in relation to his or her environment and society at large (p. 333).**

**The need for interprofessional collaboration between social work and law, between social workers and lawyers has been supported by Bernstein (1980), who wrote:**

**Rarely does an individual client, a family or a group share problems that are purely social or emotional or purely legal. Most issues involve major or obvious conflict areas that, when analyzed, have overtones requiring the expertise and professionalism of both the social worker and the lawyer (p. 421).**

**Katz (as cited in Bell (1975-76)) also supported this notion by stating; "No other professional group, other than lawyers, comes in contact with so many 'pigeon holes' of law, such as domestic relations, criminal law, real property,**

evidence, procedure, and contracts, as do social workers" (Bell p. 36).

Some would argue that the frequency of contact between Canadian social workers and lawyers intensified with the introduction in 1982 of the Canadian Charter of Rights and Freedoms. This constitutional document entitled individuals to "due process of law", allowing for parents and children to "effectively challenge decisions that profoundly affect their lives" (Bala, 1991, p. 6).

Canadian society was profoundly impacted with the introduction of the Canadian Charter of Rights and Freedoms (1982). Historically, social worker/lawyer contact in the child protection forum was minimal as certain agency-appointed social workers were also "court workers" who carried the function of a lawyer in court. Presiding judges were often not legally trained, parents rarely had counsel, and representation of children was unheard of (Bala, 1991). However, "over the past decade child protection in Canada has become an increasingly sophisticated, complex and legalistic process" (Blishen, 1991, p. 195). These changes came about largely as a result of what Bala (1991) called the "legal revolution" with the concept of due process in child protection being paramount. With parents (and sometimes children) having counsel represent them, as well as child protection agencies becoming increasingly complex and bureaucratic, the field of child protection became more litigious and adversarial than in previous years. Given the increased contact, one might think that working relationships between social workers and lawyers would change with an increase in

understanding of roles and responsibilities. However, the literature does not support this assumption.

Of importance in appreciating the context of social worker/lawyer collaboration, British authors King and Piper (1995), in their book How the Law Thinks About Children, observe that in "thinking" about children, law and child welfare possess opposing ideologies, resulting in what the authors refer to as the "enslavement" of child welfare discourse to the legal arena. They wrote:

The law's demand for decisiveness and finality, for winners and losers, for rights and wrongs to be identified and exposed to the public gaze in order to further its normative objectives tend to force legal judgments out of the mouths of child welfare representatives (p. 50).

While acknowledging this dynamic between the two professions, King and Piper (1995) recommend a "child-responsive" system and offered that one feature of such a system would reflect a "decision making forum where child welfare science is the dominant discourse rather than the current 'litigious, adversarial' system" (p. 164).

In another article, King (1991) wrote that those working in the area of child welfare, would like nothing more than to see the:

. . . ideal family court . . . representing the merging of "justice" and "welfare" within a new institutional framework where lawyers and welfare professionals would work together to provide "justice with a human face" (p. 303).

**He argued, however, that this is impossible and unrealistic as it would not only result in the aforementioned "enslavement" of child welfare science to meet the needs of the legal institution, but also that:**

**. . . those disciplines that throw themselves into a joint enterprise with law would lose their original identity and become reconstituted by the legal discourse. One only has to look at what has happened to social work, which is now regarded by many as a profession whose sole purpose is to remove children from dangerous families and to provide evidence of abuse in court cases (p. 319).**

**Fineman (1988) confirmed that competing discourses or conflicting models, one an adversarial system and one a therapeutic system (those working in child protection may support the notion that ideally, child protection should be both therapeutic and mandated, however practitioners are seeing that this responsibility is becoming increasingly difficult and unrealistic [see for example Chalmers et al., p. 5]), raises fundamental questions regarding which prototype is most appropriate in determining the best interests of children. She argued, however, that the answer ". . . to the undeniable problems associated with the adversarial model is not simply to turn over the decision making task to another professional group. To do so would only create another set of problems" (p. 729).**

**In searching for a solution to the question of which medium is most suitable in determining the best interests of children, Masson (1989) cautioned:**

**Law can ossify thinking and practice and preclude developments which**

would improve care (to children). Therefore where the law is used to control social work activity it is essential to ensure that ideas contained in it reflect current thinking and also that those who apply the law are in tune with modern practice (p. 49-50).

It would appear then that even with increased contacts over the past three decades, the nature of the working relationship between social workers and lawyers, between social work and law, remains largely unchanged from what Sloane found in 1967. Given this reality, attention needs to be paid to the nature and effectiveness of the (inevitable) collaboration necessary when circumstances dictate. Accordingly, it is important to explore how the respective professionals view one another.

#### Lawyers' View of Social Workers

In his interviews with 11 lawyers, Sloane (1967) found that:

. . . the lawyers thought of the social worker as ineffectual, giving, nursing female who wants to and does do much good, but at the same time is impractical, utopian, over-identified with and overprotective of her client, "all heart and no head", subjective and not objective, concerned only with feelings and not logic. Even so, she knows less than she thinks she knows even about human relations. She is too defensive about what she does know. Her understanding of legal processes is scanty (p. 90).

Three years later, Smith (1970) found in her study of the professional relationships between lawyers and social workers employed by a "legal service"

(i.e., legal aid) agency, that lawyers characterized the social workers as; "honest, sympathetic, sensitive, concerned, responsible, intelligent, thoughtful, energetic, assertive, opinionated and politically ineffective" (p. 155). Smith cautiously compared her results with those from a study conducted in 1965 by Miller et al. at the University of California at Berkeley who explored the attitudes of law and library students toward social work. The Miller et al. study (as cited in Smith, 1970) was done over a period of years and yielded, through interviews with 83 law students, quite a positive view of social workers in general. The students polled described a social worker as:

. . . a woman who honestly desires to give beneficial service to clients, puts a great deal of herself into her work, is comfortable in large groups, and does not antagonize the public (Smith, 1970, p. 164).

Other characteristics attributed to the social worker included:

. . . (that she) did not use work to escape from personal problems, that she was not competitive with her husband professionally, that she was patient with difficult clients, was not condescending and did not like wielding power over clients (Smith, 1970, p.164).

It is interesting to note that this study also found that the law students polled indicated a slightly more favourable attitude toward a male image of a social worker than a female image even though they acknowledged that in thinking of a social worker, they pictured a woman rather than a man. In discussing this study, Smith (1970) does not note how many of the law students interviewed were

male and how many were female.

Lau (1983), whose hypothesis that the origin of differences between social workers and lawyers lay within brain function, found lawyers viewed social workers as:

. . . bleeding hearts, do-gooders, who in addition to (being) well meaning, are flighty, obstructionist, idealist starry-eyed, and naive. They will often complain about the law and how it hampers the effective resolution of a social situation but (they do) not know how to be effective in altering the law (p. 23).

Schottland's study (as cited in Scherrer, 1976), which discussed how social workers can be of assistance to lawyers, noted that the stereotypical view of social work persists:

On the other hand, the lawyer is likely to view social work as associated with church-sponsored charity, work with homeless children, public assistance with its problems of dependency and family breakdown, activities carried on by persons who have not been accorded professional status by law and whose professional relationship to the client is coloured (in his mind) by the fact that the social worker is employed by an agency and not by a client (p. 280).

In child protection, these attributions may affect the nature of practice between lawyers and social workers. For example, in preparation for a contested child protection trial, the social worker is asked, in essence, to relinquish their

involvement in the case and allow for the "legal translation" of what information qualifies as evidence and what does not. An event that may be viewed by the social worker as critical, may be insignificant or non-applicable to the lawyer. The social worker's opinion or assessment of a case becomes secondary to the legal assessment. Social workers who are unable to appreciate this shift are those most likely to maintain, and/or contribute to, the polarization that can occur between social worker and lawyer. As well, the Court, in some cases, may not allot due weight to the social worker's assessment, given the tendency in protracted child protection matters to rely heavily on (at least) one "expert", despite the fact that a social worker may have been involved with a family for many years. This is but one example of King and Piper's "enslavement" of child welfare to the legal forum - a mandatory occurrence in my experience.

### **Social Workers View of Lawyers**

In the studies cited below, social workers had a opportunity to state their perceptions of lawyers. Sloane (1967), in his interviews with 11 social workers, found that they described law and lawyers as possessing the following traits:

. . . law as a masculine, aggressive profession and the lawyer as rigid, technical and pettifogging. He is seen primarily as an advocate who rightly or wrongly identifies himself in a partisan way with his client and will use any legal loophole to win. He pays no attention to feelings and will see any complex human situation only in legalistic and financial terms (p. 91).

Smith (1970), in her measurement of attitudes on which lawyers and social workers rated themselves and each other, found that social workers described lawyers as "assertive, intelligent, articulate, responsible, professional, practical, confident, informed and successful" (p. 161). On the negative side, lawyers were also characterized by social workers as "opinionated, haughty and officious" (Smith, 1970, p. 161).

Schottland (as cited in Scherrer, 1976) summarizes the social worker's view of lawyers by way of analogy, stating:

. . . the social worker tends to look up a court trial as a combat of paid gladiators with each gladiator pushing for victory for a client rather than a resolution of the differences through the processes of mediation, discussion, and agreement. Law is frequently seen as technical, rigid, logical and precise - but not interested in the solution of interpersonal problems (p. 279).

In an attempt to explain the differences between social workers and lawyers, Lau (1983) offered that each profession attracts individuals with certain thought patterns. She theorized that hemisphericity - left in the case of most lawyers and right in the case of most social workers - could account for the conflict between the two professional groups. According to Lau (1983), social workers described lawyers as ". . . educated, aggressive, actors, intelligent, dedicated, patient, factual, manipulative powerful, crooked, conniving and conceited" (p. 23).

Some social workers are almost completely immobilized at the prospect of interacting with a lawyer largely because of the attributes social workers have used in describing lawyers. These stereotypes serve only to polarize the two professions, and may create decision-making that is based on how best to avoid lawyers and the court system. The implications of social workers' aversion to lawyers may unwittingly allow for situations that result in poor case management (at best) and children living in unsafe environments (at worst).

Being able to characterize and describe how one feels about the other professional, however, is far different than being able to identify what the other does as a member of that profession. The cross-disciplinary knowledge of roles and responsibilities available to members in each profession is critical to respecting and appreciating the functional boundaries and parameters under which that professional operates.

### **Roles and Responsibilities**

Several authors have hypothesized that difficulties between social workers and lawyers exist due to uncertainty about what the other does and how they go about doing it. Payne (1986) wrote that "both professions regard each other with some reluctance surrounded by confusion as to each other's roles and objectives" (p. 13).

Fogelson (1970) conducted interviews with 12 social workers to gain their perceptions of lawyers and associated responsibilities. Lawyers' functions were described as follows:

. . . (1) interpreting the law, (2) helping people to obtain their rights under the law, (3) enabling the person to get all his rights, (4) helping clients to cope with the specialized legal aspect of their environment, (5) protecting society en masse from the individual, and (6) regulating social behaviour (p. 97).

Social work, on the other hand, was seen as more general in scope and more humane in its approach. Its functions were described as:

(1) helping people to cope as competently as possible with life situations, (2) highlighting people's strengths, (3) helping them to understand their own feelings, (4) helping people to function better, and (5) being the conscience of society (Fogelson, 1970, p. 7).

While these functions may appear clear and concise to the reader, confusion and conflict may pervade the practice relationship between social workers and lawyers. Fogelson (1970) summarized this phenomenon by stating that "ignorance, misunderstanding and difference" (p. 95) were obstacles to cooperation between the two groups. Foster (as cited in Fogelson, 1970) attributed the friction between the two professions as being caused by their having "equally narrow points of view and failing to understand each other's problems and perspective" (p. 96).

According to Bullock (1984); "Lawyers are thought to be only concerned with facts, evidence and rules, whilst social workers are thought to focus exclusively on self-determination, voluntary relations and 'raw' feelings" (p. 333).

Mueller and Murphy (1965) attributed the lack of communication between professionals as a function of "peculiarities of language" (p. 98) while Scherrer (1976) commented that the barrier to a 'team' approach results from the "fear and distrust of the adversary process on the part of the social worker" (p. 279). Fogelson (1970) echoed Scherrer's remarks. He wrote; "There almost seemed to be a feeling that if they (social workers) became involved with the law, they might be asked to compromise social work values and principles" (p. 99).

King and Garapon (1987) emphasized that if one were to adopt the relatively simple notion that successful institutional decision-making, one in which decisions "enhance rather than detract from the social function of the institution" (p. 469), it would be necessary to have consensus regarding, among other things, the "nature and function of the process of decision-making and the respective roles and competencies of the participants to that process" (King & Garapon, 1987, p. 469).

Other authors have agreed with King and Garapon's (1970) sentiments. In their book, Children Can't Wait: Reducing Delays in Out-of-Home Care, Cahn and Johnson (1993) state; "The best outcomes for children will result from work that clarifies the roles of advocates and caregivers in the decision-making among all parties" (p. 139).

Four studies conducted on the topic of roles and role identification in the United States provided inconclusive results as to whether role confusion or conflict exists between social workers and lawyers or not. The first study in 1970,

conducted by Smith, examined the lawyer/social worker relationship in the Chicago Legal Aid Bureau, which was noted as being an "unique" organization given its attachment to a Social Services Department. The social workers employed by the bureau were to make social studies on cases, when requested by attorneys, and were to provide referral or counselling services to legal aid clients with socio-legal problems, as well as to those legal aid clients with so-called "non-legal" social problems. Smith interviewed four social workers and 23 lawyers housed (on different floors) within the downtown office of the Legal Aid Bureau. Smith also interviewed a total of 16 lawyers and six social workers in seven satellite offices of the Chicago Legal Aid Bureau located in "poverty areas" of the city. Smith (1970) concluded that problems in the interprofessional relationship of lawyers and social workers occur on two levels: "(1) in the definition of the social workers' service in a legal aid setting and (2) in the lawyers' utilization of the social work service" (p. 158). She noted that the corollary to both of these problems is the definition of the role and responsibilities of the lawyer. This study also found that confusion existed around whose client it is when both social worker and lawyer are involved. She questioned whether the uncertainty was precipitated not by the issue of who has responsibility for or to the client but rather by who has control of the case, that is, who decides what service is to be given by whom and when. For example, Smith found that referrals to social workers were made when lawyers in the downtown office wanted to "get rid" of time consuming clients in whose cases legal action may or may not be appropriate

as, for example, persons with mental health issues.

When asked to evaluate the inclusion of the social work component to the Legal Aid Bureau's operations, both social workers and lawyers viewed the social work addition as "almost entirely" advantageous to the client in the satellite offices. The downtown lawyers, on the other hand, emphasized the helpfulness provided to them directly in contrast to any benefits for the client. Social workers from both the downtown and satellite offices, on the other hand, viewed the setting negatively in terms of satisfaction for themselves, apart from service to clients. Social workers cited the problems resulting from professional conflict as difficulties in communication between social workers and lawyers, and a lack of understanding of (and sometimes lack of respect) for each other's professions (Smith, 1970). Smith (1970) concluded her study by stating:

While some professional conflict is inevitable, the degree and expression of this conflict appear to be greatly influenced by factors over which the organizations (i.e. nature of the setting or circumstances under which the two services are utilized) have control (p. 155).

The second study conducted by Brennan and Khinduka (1971) was undertaken to explore: (1) the expectations of social workers and lawyers regarding their roles in the juvenile court and (2) each profession's perceptions of the other's role expectations. Questionnaires were mailed to a group of "juvenile probation officers" (used synonymously with the term "social worker" in this study) and attorneys residing in a midwestern state. The members of each

profession were forwarded identical questionnaires. Each questionnaire listed 21 activities actually performed in "juvenile court". Each participant was asked to indicate whether social workers, lawyers, or members of some other profession, for example a police officer, should assume primary responsibility for each of the 21 tasks. They were also asked how they thought the other profession would reply to the same questions. "Actual role consensus" was defined as existing when both social workers and lawyers agreed that a certain function should be performed by the social worker, or when both social workers and lawyers thought a particular task should be assumed by the lawyer. "Actual role disagreement" was defined as existing when both professions wanted to assume major responsibility for the same activity, or when social workers wanted major responsibility for certain activities and lawyers were not willing to grant such to them or, alternatively, when lawyers wanted primary responsibility for a task and social workers were not willing to give that responsibility to them. A comparison of what each profession expected to do, and what it perceived the other profession as wanting to do, provided a measure of perceived role consensus and disagreement.

At the conclusion of their study Brennan and Khinduka (1971) found ". . . a considerable degree of actual and perceived role disagreement, since both social workers and attorneys wanted primary responsibility for a number of tasks and were not willing to grant such a responsibility to the other profession (p. 191).

The authors speculated that their findings could be the result of several factors: (1) changes in functioning of the juvenile courts, (2) experientially, one profession (social work) had assumed most of the responsibility for a cluster of legal, semi-legal, and social tasks, while the other profession (law) had not, and (3) the socialization experiences each professional went through as part of their training. Brennan and Khinduka (1971) stated that while these three explanations may not be sufficient in and of themselves, they could offer some insight into why such disparity of opinions concerning role definitions existed between social workers and lawyers in their study.

The authors suggest that in order for the professions to address the conflict found between social workers and lawyers, each must discard stereotypes of the other and, in doing so, gain a greater understanding of the nature of the others professional educational process. Such expansion of understanding would, in the authors opinion, achieve a richer comprehension of the dynamics underlying the legal and social processes in the juvenile court. Brennan and Khinduka (1971) also recommend some type of mutual educational experience that will allow for greater opportunities for interaction between the two professions in an effort to attend to the isolation and ignorance which breeds the stereotypes which flourish in the perceptions of both professions.

Marie Weil's (1982) study of interprofessional collaboration between social workers and lawyers, conducted at the University of Southern California, investigated both the attitudes and role perceptions of social workers and lawyers,

as well as an educational approach to interprofessional collaboration. Her sample was drawn from four subgroups: (1) social workers practicing in child dependency (*Note:* The Canadian counterpart to the U.S. "child dependency" services would be mandated "front line" child protection services. See page 44 of this document.); (2) lawyers practicing in dependency court; (3) social workers practicing in adoptions; and (4) lawyers practicing in adoptions court. Weil's study used a modified version of the instrument used by Brennan and Khinduka. Unlike Brennan and Khinduka, Weil (1982) found "far more agreement regarding ideal assignment of functions than was the case in the Brennan-Khinduka study" (p. 398). She noted, as well, that the social workers practicing in the area of child dependency perceived their positions more positively than did social workers practicing in the area of adoptions. Social workers practicing in child dependency also had a more positive perception of lawyers than did the social workers practicing in adoptions and lawyers practicing in dependency court viewed social workers more positively than did lawyers practicing in adoptions court. Weil (1982) offered that her findings could be a result of:

. . . role clarity and the organizational climate in dependency court which has supported collaborative work. In addition, the positive views dependency social workers and lawyers have of each other may be mutually reinforcing in interaction, as may be the negative views of those in adoptions (p. 398).

Another explanation for the positive views of the counterpart professions

practicing in the child dependency area, included the finding that 66% of the social workers practicing in child dependency had participated in a two week special agency training program related to social work in the courts, court processes, and legal issues. It would seem logical, Weil commented, that this experience assisted this particular group of social workers in clarifying roles, functions, and areas of collaboration and may have contributed to their more positive view of lawyers, as well as the lawyers' more positive view of them, given that the other three groups reported minimal to no training at all. Weil (1982) concluded her study by recommending that "intensive training in court functions, roles and interprofessional collaboration should be provided to all social workers involved with the courts" (p. 400).

In Weil's (1982) second study, she tested an educational model to prepare social work students for interprofessional collaboration with lawyers. She found that the students who had participated in the practicum possessed a much more positive attitude toward, and appreciation of, interprofessional collaboration. The students involved also demonstrated "greater understanding and ability than the control groups to define, describe, and differentiate the roles and responsibilities of social workers and lawyers operating in social welfare and the family-court system" (p. 402).

Weil's study was replicated by Robin Russel, an Assistant Professor with the Criminal Justice Studies Program at the University of South Dakota. Russel (1988) sought to examine whether interprofessional role conflict existed among

caseworkers and attorneys who interact with each other in child abuse and neglect cases in four Indiana counties. The instrument used by Russel was similar in format to that used by Brennan and Khinduka (1971) and by Weil (1982). In addition to the 28 listed tasks, Russel asked two open-ended questions regarding the nature of the relationship between social workers and lawyers. Responses to the 28 tasks were cross-tabulated by occupational group (attorney or caseworker) and by county. Role consensus and role disagreement were defined identically to those provided by Brennan and Khinduka.

The greatest differences in responses were related to whether the respondent was a caseworker or an attorney. Russel (1988) found that for almost two-thirds of the tasks listed, "caseworkers and lawyers had significantly different opinions about who should be taking primary responsibility" (p. 207). Through the responses to the open-ended questions, Russel found that attorney and caseworker roles in juvenile court cases were in need of clarification. Russel (1988) commented that while policy guidelines specifying the role of each occupation in the juvenile court system may prove useful, "the guidelines would have a better chance of producing role consensus if both case-workers and lawyers could contribute to their development" (p. 214). Through answers to the open-ended questions, Russel (1988) also found a substantial level of hostility between caseworkers and their own department attorneys in one particular urban county. Caseworkers in this sample alleged that their own attorneys "didn't take the time to prepare cases adequately for court, lacked dedication, possessed

insensitive and high-handed attitudes" (p. 214).

Russel (1988) offered several explanations for her findings. She argued that perhaps the caseworkers in her sample differed from the caseworkers in Weil's sample. Professional training and participation of attorneys in child maltreatment cases in Indiana were cited as being relatively new developments. Traditionally, Indiana caseworkers (the majority of whom did not have professional social work training), performed many "legal" tasks and, as such, were socialized into this occupational role. Similarly, lawyers were socialized on the job as well. Russel (1988), like her predecessors studying the area of social worker/lawyer collaboration, recommended training sessions aimed at role clarification for newcomers to the field. She also recommended that the judiciary issue policy guidelines outlining the role of each occupation in implementing the tasks to be performed in a juvenile court (Russel, 1988).

These studies (i.e., Smith, 1970; Brennan & Khinduka, 1971; Weil, 1982; Russel, 1988) demonstrate that the question of whether social workers and lawyers possess mutual understanding and agreement of each others roles and responsibilities remains largely inconclusive. Yet many social workers and lawyers are required to collaborate on a day-to-day basis - primarily in the child welfare field. How does this necessary collaboration impact professionals? More importantly, how does their uncertainty or confusion affect their clients?

**Costs of Poor Social Worker/Lawyer Collaboration**

The literature supports the notion that inadequate social worker/lawyer collaboration contributes to defective service delivery. Russel (1988) wrote that:

For lawyers and caseworkers alike, conflicts with people with whom they must regularly interact probably take their toll in the form of additional job-related stress. Both occupations are stressful enough without this additional source of tension. Interprofessional conflict also affects the quality of service both occupations provide. *It hinders effective communication between the two groups, which can negatively affect both casework and legal services to mistreated children and their families* (my emphasis) (p. 215).

Indeed, Weil (1982) indicated that the premise for her study included the opinion that the "positive and negative interaction between social workers and lawyers frequently affects the quality of legal and social service which families receive" (p. 394) and that her researchers came to the project with "concern for inter-professional problems which hampered service delivery and decision making" (p. 396).

In 1989, Ronnau and Poertner conducted a study that examined the extent to which judges, attorneys, and social workers concurred in their perceptions of the severity and need for intervention in cases of emotional abuse towards children. They state, like many of the other researchers this review has identified, that the social service and legal professions differ "significantly in their

values and frames of reference" (p. 431). They stress, however, that in no other arena does the difference between the two professions have such a profound effect than in child protection where:

. . . practitioners of child welfare can readily identify the number of ways that children and their families suffer due to this lack of consensus.

Arbitrary removal of children and unclear expectations for their return home are but two examples. Although these differences among these professions are understandable, the controversies created by these differences are not easily dismissed because the stakes for families are so high (p. 431).

It is one thing to have disagreement between social workers and lawyers in reference to their respective roles and responsibilities. It is quite another, however, to have disagreement on issues such as what constitutes grounds for state intervention in cases of alleged child abuse. Yet three studies demonstrate that disagreement between social workers and lawyers exists in this domain as well.

Ronnau and Poertner (1989) replicated an earlier study conducted by Baily and Baily (1986), which sought to explore the extent of agreement among "child welfare professionals" in their perceptions of the severity and need for intervention in cases of emotional abuse towards children. Seventeen vignettes involving preschool children and 16 vignettes involving latency-age children were presented. Following each vignette, a five-point scale ranging from "very severe"

to "none" was provided to elicit the respondent's judgment of the severity of emotional maltreatment depicted. A second scale containing four points regarding the recommended level of state intervention was also provided. The possible decisions respondents were presented with ranged from: no intervention necessary, service recommended on a voluntary basis, court-ordered services with the child remaining in the home, or court-ordered services with the child removed from the home. Sixty-one judges, 112 social workers and 67 district attorneys responded to the survey. In rating the severity of emotional maltreatment depicted in each vignette, social workers agreed with the attorneys on 65% of the vignettes about the younger children and 71% of those regarding the older children. Social workers agreed with the judges on 71% of the younger age vignettes and 61% of those pertaining to the older children. In choosing the level of state intervention in each vignette, social workers agreed with the attorneys 88% of the time for the younger children and 76% of the time for the older children. However, judges and social workers agreed on 65% of the vignettes about the younger group and only 41% of those about older children. The authors conclude that "the results of the present study suggest that there is considerable disagreement regarding the problem of emotional maltreatment among the major professions involved in the child protection system" (p. 435).

In a previous study conducted by Craft and Clarkson (1985) the issue of decision-making in child abuse investigations was initially explored. Seventy-three child protection workers and 73 county attorneys were canvassed. The

study used an experimental design to investigate the effects of four case factors that influence child protection workers' and attorneys' decisions in alleged cases of childhood physical abuse. The factors were whether the physical injury was mild or serious, whether there were previous reports of child abuse, whether parental reaction was positive or negative (cooperative or uncooperative), and whether the parent admitted or denied their involvement with the injury. For each of the 16 possible combinations of case factors in the study, respondents were asked to recommend the most appropriate disposition from among six possible choices: (1) do nothing, (2) continue to investigate, (3) offer voluntary services, (4) file a "Child in Need of Assistance (CHINA) Petition" with no temporary orders, (5) file a CHINA Petition seeking temporary homemaker services, or (6) proceed with emergency temporary removal of the child from the home. Craft and Clarkson (1985) found that a "significantly greater proportion of attorneys than child protection workers recommended court interventions" (p. 172). Not only did they differ in their tendency to recommend court action, but also in their choice of specific dispositions. Attorneys were found to recommend court action more than the child protection workers for all combinations of case characteristics but one. Attorneys also recommended all three of the court dispositions in greater proportions than the child protection workers. In other words, the authors wrote, "child protection workers are not recommending court action for specific cases which, in the attorney's opinions, require a protective legal response" (p. 172).

These studies demonstrate the reality that "coordination and cooperation between professional groups is more commodious when the members of each group are in agreement with each other regarding an appropriate course of action" (p. 173).

Johnson and Cahn (1995) have provided unsurpassed leadership in addressing issues of poor coordination and communication between courts and agencies (i.e. between attorneys and social workers) in order to ensure timely permanency planning for children in state care. Their book, Children Can't Wait: Reducing Delays in Out of Home Care, described four projects which focused on the issue of delay or drift for children in care. The projects produced results for children in care awaiting adoption placement by improving case planning and reducing delays. While the specific outcomes will be identified in the following section describing how families benefit from positive collaboration between professionals, it is important to review the reasoning behind the development of these projects. Herring (1993) wrote that the first project entitled, "The Michigan Agency Attorney Project", began as a result of attorneys being "disturbed at the substantial harm being inflicted on children by the drawn-out proceedings that were common in the most serious cases of child abuse" (p. 15).

The project hoped to decrease the amount of time children remained in limbo by restructuring the Agency's legal counsel from one of a public model of representation (local county prosecutors office) to a private model of legal

representation (Agency employed attorney). (At a local level, the "private model" of legal representation would translate to an "in house" lawyer employed by the child protection Agency while the so-called "public model" may refer to lawyers contracted on a fee-for-service basis to provide legal services to an Agency.)

Ratterman (1993) described the "New York State Termination Barriers Project", which observed that initially, "poor communication and coordination between caseworkers and attorneys slowed efforts to begin TPR (termination of parental rights) proceedings" (p. 39).

The Project examined Agency procedures for permanency planning and developed a variety of safeguards including a "Termination of Parental Rights 'checklist'", and the utilization of "Permanency Planning Committees", whose function it was to ensure that children who were unable to be cared for by their biological families received adequate and timely service, including long-term planning with potential for adoption.

Farley (1993) explained the "Kentucky's Termination of Parental Rights (TPR) Project". This project included a process of examining state statutes, policies, and procedures, the purpose of which was to initiate needed changes, and utilizing a tracking system, ensuring that any changes would be permanent for those children involved. The reasoning for such an initiative was based on the professionals' agreement that processing TPR cases took too long. The causes they cited for the extended time included "the complexity of cases, an overburdened system (growing numbers of cases, but no growth in the numbers

of judges, lawyers, or social workers to handle them), and the system's reluctance to dissolve the bonds of family" (p. 76).

The final project, presented by Johnson, Day and Cahn (1993) described a community seminar process where the intent was to improve permanency planning for children by improving local inter-agency collaboration. They emphasized that the focus of this improvement was centred on the interaction between the local court and legal professionals and the local public child welfare agency. "Children Can't Wait: A Court-Agency Project" was born from the assumptions that:

. . . all professionals involved in the child welfare system value the need for speedy permanence decisions and that many of the impediments to changing local child welfare systems to meet this need resulted from (1) confusion about the roles of the various professionals involved in the process; (2) omitting or limiting the involvement of key players in identifying and addressing systemic problems; and (3) lack of awareness among key players of the progress already made in solving local system problems, which common data collection and information sharing would reveal (p. 106).

The importance of children knowing who is reliable, and consistently available to care for them cannot be overstated. The effects of not knowing, of being in "limbo", can be irreparable.

In Beyond the Best Interests of the Child, (1979), Goldstein, Freud and

Solnit estimated that infants and toddlers could be without contact with absent parents for only a few days before being overwhelmed by anxiety and loss. For children under age five, they suggest that rarely can a separation be longer than two months before the child views this loss as permanent.

Steinhauer (1991) has written that should a child be unable to transfer the attachment made with the absent parents to that of a substitute parent (often the case for children who have a history of multiple placements), the result may be a variety of personality and behavioral characteristics including permanent detachment, persistent and diffuse rage, chronic depression, asocial and antisocial behaviour, low self concept, and chronic dependency.

Similarly, Wilkes (1992) defines "limbo" as a "prolonged period of separation of a child from nurturing parents, in which there is persistent confusion, conflict or uncertainty about future plans, parenting authority, family relationships, and past history" (p. 02). Wilkes (1992) maintains that while the term "limbo" is not a diagnosis, it should be recognized that children experiencing "limbo" share a number of common features including, but not limited to, impaired ego capacity, poor impulse control, low frustration tolerance, and an inability to develop trust in themselves or the world generally. These qualities, according to Wilkes (1992), contribute to poor identity formation.

Generally speaking, the more the child's psyche is disrupted, be it through multiple moves or through being left too long in limbo while wardship and future plans are being contested, the greater the risk of severe and lasting personality

damage (Steinhauer, 1991).

### **Benefits of Positive Social Worker/Lawyer Collaboration**

Ultimately, any improvement in the relationship between social workers and lawyers will impact not only on members of these two professions but, more importantly, is likely to improve service to the families and children who are expected to be the beneficiaries of this alliance.

Johnson and Cahn (1993) demonstrated through their "Children Can't Wait" project that utilizing a variety of initiatives, children could benefit in the reduction of delays in out-of-home care.

Twelve action plans were developed to create or modify inter-agency protocols or agreements that would speed up the permanency planning process for children. Another group of 12 plans sought interdisciplinary assessments and interdisciplinary decision-making mechanisms to reach reunification or alternative permanency planning goals. Three plans sought to streamline the steps of permanency planning decision-making within an agency. Four plans were created to continue the seminar effort of cross-disciplinary training regarding the values, goals, methods, and attitudes of members of the many disciplines involved in the court-agency process. Four initiatives were developed to enhance cultural sensitivity in working with children and families with multicultural backgrounds. Another five designs were developed to provide an opportunity for community professionals (i.e. judges, lawyers, foster parents, and child protection workers) to enhance their skills and knowledge base of working

with children and families where permanency planning was the identified goal. The last five plans tackled the issue of soliciting government for increased resources for adolescents in need and increased resources and staffing levels in child and family service agencies. Johnson and Cahn (1993) concluded that the seminar "initiated a conversation between attorneys and social workers that can prove to be a strong foundation for system reform" (p. 393). Children also benefited from the "Michigan Agency Attorney Project" by having the attorney and the social worker develop a very intensive case plan *from the beginning of each case* (my emphasis). In doing so, if parents were unable to make the necessary changes within a reasonable period of time, such evidence became clear and convincing to both social workers and lawyers, resulting in an earlier Termination of Parental Rights (TPR) finding. In addition, the private model of legal representation was found to achieve permanency decisions far earlier than the public model of legal representation. For example, in one county, Herring (1993) found that a TPR was achieved, on average, 250 days earlier when handled by the project's own attorney.

Farley (1993) wrote that prior to the implementation of "Effective Practices: Changing a System to Change a Child's Life", one of the four projects described in Children Can't Wait: Reducing Delays in Out-Of-Home Care, the total average time children waited from the point when the goal became adoption, until the TPR process was complete, was two years and two months. At the end of the project, the time had been shortened to just under one year and two

months.

If we are to agree with the experts as to the negative consequences that can arise from children remaining without a plan for their future, it would appear that some control of this trauma can be achieved. The above examples serve to demonstrate that interprofessional collaboration between courts and agencies, between social workers and lawyers, can contribute to improved case planning and a reduction in delays for children in care.

Johnson and Cahn (1993) concluded their examination of the issues and implementation of alternatives aimed at reducing the length of time children remain in care by highlighting that "the unique strengths of each discipline can be joined to produce strong interdisciplinary partnerships, promoting positive outcomes for the children and families they serve" (p. 393).

In addition to Johnson and Cahn's (1993) findings, the literature provides us with statements on how positive collaborative efforts between social workers and lawyers can result in ". . . the preservation or restoration of the family as a socially functioning and law-abiding unit" (Bell, 1975-76, p. 38); and an offering of ". . . greater benefits to clients by maximizing the contribution of both professions to the client" (Smith, 1970, p. 168).

The next chapter outlines the hypotheses that direct this research, as well as the methodology used in this study.

**CHAPTER III****RESEARCH METHODOLOGY****Purpose of the Research**

Child protection proceedings involve a myriad of socio and legal tasks for which the "front-line" child protection worker and lawyer are responsible. Little or no data have been gathered at a local level to substantiate which professional does what in the litigation of child protection cases. The primary goal of the proposed study was to determine the degree in which 'front-line' workers and lawyers agree or disagree on who has primary responsibility for forty-two tasks commonly encountered in child protection proceedings. The supplemental qualitative component of focus group interviews offered opportunities for participants to discuss the results of the study and its implications for practice.

**Research Objectives**

The specific, primary objectives of this research project are: (1) To measure the degree to which social workers and lawyers agree on who has primary responsibility for each of the 42 tasks identified in the questionnaire; and (2) To measure the degree to which social workers and lawyers disagree on who has primary responsibility for each of the 42 tasks identified in the questionnaire.

**Research Hypotheses**

The area of social worker/lawyer collaboration and the question of "who does what?" in child protection proceedings has been given relatively little attention by researchers. What studies have been done, have been conducted

primarily by our neighbours to the south. As reported earlier in the literature review, three studies (Brennan & Khinduka, 1971; Weil, 1982; & Russel, 1988) which sought to clarify the roles and responsibilities in child protection proceedings, provided inconclusive results to its readers, thereby reinforcing the confusion and uncertainty by which social workers and lawyers operate specific to the context of child protection cases. Based on these findings and this researcher's own personal observations as a "front-line" child protection worker over a five year period, including active involvement in multiple, contested child protection cases, it is believed that this same confusion pervades the working relationship between social workers and lawyers and the cases which bring them together within Winnipeg Child and Family Services.

We know that locally, the amount of contested child protection cases is on the rise. A logical extension of this fact is that the contact between social workers and lawyers is also increasing. It seems timely then to reexamine the topic of social worker/lawyer collaboration and the assignment of roles and responsibilities in child protection proceedings at a local level.

For the purposes of this study, the **null hypothesis** was stated as: Statistically significant differences in the responses from social workers and lawyers will not be found. The **research hypothesis** was stated as: Statistically significant differences in the responses from social workers and lawyers to each of the identified tasks will be found. Because of the lack of research support, no particular direction for these differences (i.e., whether social workers or lawyers

are more likely to attribute tasks to their own or the other profession) was predicted.

### **The Research Design**

Rubin and Babbie (1989) wrote that not only is survey research the most "frequently used mode of observation in the social sciences" (p. 313), but also that it is probably the best method available to the social scientist interested in collecting original data for purposes of describing a population too large to observe directly (Babbie, 1975). The research design used for the purposes of this research was the cross-sectional survey design. A sample of respondents known for their involvement in child protection cases was selected from a listing of all lawyers licensed to practice law in Manitoba and all "front-line" child protection workers employed by Winnipeg Child and Family Services. A self-administered questionnaire was developed, pretested in December, 1996, and then forwarded to each of the participants in March, 1997. The advantages of the self-administered survey, rather than an interview survey, includes the amount of data that can be collected, the speed by which it can be collected, economy, lack of interviewer bias and the possibility of anonymity and privacy (Babbie, 1975). Anonymity and privacy was absolutely essential in this study considering that this researcher was a colleague to some of the respondents.

This study also included a supplemental, qualitative component. Two of the goals of interviewing is to off-set the relative rigidity and lack of recognition to the context of social life (Rubin & Babbie, 1989) offered by the survey research

design, and to understand the personal realities of research participants and the experiences unique to them (Tutty et al., 1996). Patton (1990) has noted that qualitative methods are particularly useful for capturing differences among people, for finding out what "people do, know, think and feel by interviewing" (p. 94) and are oriented toward the notions of discovery and exploration of a topic. Unlike quantitative research methods where results can typically be generalized, qualitative research methods offer a more detailed examination about the perceptions held by a small number of people which serves to increase the understanding of cases or situations (Patton, 1990).

Two focus group interviews, one with social workers and one with lawyers, were held. An interview guide approach (Patton, 1990) was utilized with three topics or questions being specified in advance, in outline form. The strengths of providing an outline in advance increases the comprehensiveness of the data and makes data collection somewhat more systematic. Other strengths of this particular approach are that logical gaps in data can be anticipated and closed and that the interviews themselves remain fairly conversational and situational. Weaknesses in the use of the interview guide approach as opposed to the standardized, open-ended interview or the closed, fixed response interview, include the risk that important and salient topics may be inadvertently omitted. Other limitations of this approach are the interviewer's flexibility in sequencing and wording questions which can result in substantially different responses from different perspectives, thus reducing the comparability of responses (Patton,

1990). Three questions served as a guideline in conducting the interviews. The first question focused on the results of the study and asked the interviewees to consider why such findings were apparent. The second question sought to explore if such findings had any impact on the working relationships between social workers and lawyers and if so, how? The second component to this question asked whether clients could be impacted by the differences found in the responses from social workers and lawyers and if so, how? The final question explored what recommendations could come forth from the study in an effort to clarify the roles and responsibilities of each profession and what efforts could be undertaken to enhance interprofessional collaboration.

The validity of qualitative measures has been reported as fairly high (Jackson, 1988) since direct observations and classifications are being made. The risks which may threaten the credibility of qualitative research studies may include the researcher's own personal bias and life view which could affect the interpretation of the data. In addition, prematurely drawing conclusions before the data are analyzed or censoring, ignoring, or dismissing data as irrelevant are errors commonly found in qualitative methods (Tutty, Rothery, & Grinnell, Jr. 1996). To prevent such mistakes, consideration could be given to "member checking", which includes inviting feedback from the research participants as a way of ensuring the accuracy in reporting and discussing the results. In addition, the researcher could assess for any effect that the interviewer may have had on the interviewees or vice versa, as an interviewer who is too responsive to the

participant may result in the participant becoming misleading in an effort to please the interviewer (Tutty, Rothery, & Grinnell, Jr., 1996).

**The Questionnaire.** The questionnaire used in this study was based on the previously created and amended questionnaires used by Brennan and Khinduka (1971), Weil (1982), and Russel (1988), who formerly studied the topic of social worker/lawyer collaboration in the United States.

In order to ensure the representativeness of the questionnaire to the local Manitoba context, it was re-organized and pre-tested by a selected "expert" panel of three social workers and three lawyers chosen for their varying degrees of experience in child protection litigation. The participants were asked to complete the questionnaire and delete those tasks not pertinent to the exercise or, alternatively, to suggest tasks to be added to the list of tasks previously identified. All of the six participants asked to complete the questionnaire in the pretest meeting did so. In total, 12 additional tasks were identified by the pre-test panel as needing to be included in the questionnaire. None of the tasks listed on the questionnaire prior to its distribution to the six professionals were deleted. Other recommendations included the need for increased specificity on the directions section of the questionnaire to ensure participants responded according to the ideal, rather than what may be the current practice. As well, it was recommended that a category depicting social workers and lawyers having joint responsibility for a particular task be included and designated as "Both". Additionally, a category designated "Don't Know" was recommended with the

hope that this would deter respondents from leaving a question unanswered should they be uncertain of their answer. The panel also recommended that the category "Lawyer" be broken down into two sub-groups (i.e. Agency counsel and Parents/Child counsel). However, in the case of the latter recommendation, such an application would have shifted the focus of the questionnaire from one of designating whether a social worker or a lawyer held responsibility for each task, to one of designating which type of lawyer was responsible for each task. The social worker role would have become secondary in the list of alternatives from which to choose. This, of course, would have defeated the entire purpose of the research, and rendered at least 12 of the 42 tasks inapplicable for inclusion on the questionnaire. For these reasons, the panel's recommendation to sub-divide the category "Lawyer" into two response categories was not adopted. The final questionnaire used in this research is reproduced in Appendix A.

**Sampling Procedures.** The revised questionnaire was sent to 113 social workers and 104 lawyers who were identified as being involved in child protection litigation. The criteria for inclusion of social workers in this research pertains to those "front line" workers whose job description read as follows: providing management of and service to a caseload comprised of multi-problem families, children at risk with special needs, and family service cases; assessment of risk, individual and family functioning and service needs; crisis intervention; service planning; short and long term intervention; completion of child protection investigations and court work; apprehension of children at risk and placement in

appropriate and/or available settings; advocacy and liaison between client and external resources; completion of written reports, file recording, forms and correspondence; and provision of permanency planning for children. In selecting this particular group of social workers to participate in this research, there was a concentrated effort to target those workers most likely to be exposed to, and involved in, the litigation of child protection matters. For example, social workers working in the foster home departments or family reunification programs would have significantly less (if any) exposure or involvement in the litigation process. The total number (N) of 113 represented the full sample of "front line" protection workers in Winnipeg Child and Family Services whose job description qualified them for inclusion in this research.

The names of 104 lawyers were obtained in consultation with Agency counsel, who by virtue of her years of service could be qualified as an "expert" in identifying those lawyers who have practiced or currently do involve themselves in child protection proceedings. A complete list of lawyers licensed to practice law in Manitoba was obtained by purchasing the 1997 Legal Directory. With the assistance of Agency counsel, the names of 104 lawyers (both Agency counsel and counsel representing either parents or children) were identified by simply going through the alphabetical directory and choosing those who were recognized by Agency counsel as having had experience in child protection proceedings. Questionnaires were distributed to the full sample of 104 lawyers.

### **Interviews**

Each respondent was given the option of participating in a interview. The purpose of these interviews was to provide feedback on the results of the survey and obtain suggestions concerning implications and follow up. Each respondent was asked to check on the final page of the questionnaire whether they wished to participate in an individual interview with the researcher or a group interview with other members of their profession. This page was separated from the rest of the questionnaire and forwarded to the writer in a separate envelope. In utilizing this method, the respondent's answers to the questionnaire remained confidential. A homogeneous subgroup from the total sample of each profession emerged and two focus groups, one with social workers and one with lawyers, was conducted. Every social worker who indicated an interest in being interviewed was invited. Random sampling methods were used in the selection of lawyers given the high number who expressed a willingness to be interviewed. There were five lawyers who indicated an interest in participating in an interview, however were not selected. Follow-up letters notifying them of the selection process and thanking them for their interest were faxed to each of the lawyers. In accordance with the recommendations of the Faculty of Social Work Research Ethics Committee (Appendix B), all participants being interviewed were required to sign an Informed Consent Form (Appendix C). Given the discomfort with being audiotaped, a verbatim transcription was not possible. Instead, an assistant accompanied me to the interviews and took notes of the discussions. Attempts

were then made to organize each sentence according to the responses offered by social workers and lawyers as described by Berg (1995) or Tutty, Rothery, and Grinnell, Jr. (1996).

### **Data Collection Procedures**

**Data Collection.** The revised questionnaire was distributed in March, 1997 to 113 child protection workers within WCFS and 104 lawyers within Winnipeg who had litigated child protection cases. The questionnaires were distributed to front line protection workers only whose job description conformed to specifications earlier indicated. A master list of social workers was obtained from the Agency's executive office and follow up phone calls to each of the satellite offices were made to ensure the accuracy of this list. Given the frequency of staff turnover and lateral movements within the Agency, care was taken to ensure that the questionnaires were distributed only to those who fulfilled the selection criteria. Social workers received their questionnaire via the interdepartmental courier, who hand delivered the questionnaire to their individual offices. The majority of the questionnaires for the lawyers were placed in mailboxes at the Court of Queens Bench (QB). If a lawyer did not have a mailbox at QB, the questionnaires were either mailed (to lawyers practicing in rural areas) or hand delivered to their office.

**Distribution and Collection of Questionnaires.** The questionnaires were enclosed in an envelope with the participants' name and mailing address on the envelope as well as a brief, covering letter of explanation (Appendix D). In order

to ensure anonymity, Ms Cheryl Green, a research associate in a neighbouring province was given the "master list" of social workers and lawyers and was responsible for the collection of all questionnaires. Ms. Green was also responsible for detaching the final page of the questionnaire (which indicated interest in participating in a follow-up interview) from the body of the questionnaire and forwarding to the writer the names of those persons interested in participating in such an interview. The participants were given three weeks to complete and return the questionnaire to the research associate through the mail.

#### Data Analysis Procedures

Cross-tabulation, commonly referred to as chi-square, is especially well suited for a number of social work research situations, as many of the variables under study have "yes-no" categories (as does this project). In these cases, when the variables under study are both considered to be at the nominal level, the chi-square test is a legitimate statistical test for many data analysis projects (Weinbach & Grinnell, 1987). Chi-square procedures test only for the existence (weak or strong) of an relationship and cannot indicate cause-effect knowledge (Weinbach & Grinnell, 1987), direction (Lutz, 1983), or "how much" of a relationship or association exists (Wright, 1986). In many research situations, the strength and nature of the dependence of variables is a central question. The simplest solution to this problem is to always calculate a measure of association when the chi-square test has suggested that there is an association in the population (Lutz, 1983). To do so, Proportional Reduction in Error (PRE)

measures are used. These measures are more versatile and informative than the chi-square measures and offer complementary information to the chi-square measure. Lambda, a PRE measure of association for nominal data which indicates the "degree to which we can reduce the error in predicting values of one variable from values of another" (Levin & Fox, p. 492), is helpful in assisting the researcher's evaluation of the association between variables. As it pertains to this research, such a test would be used to answer the question, "To what extent can we predict the participants responses by knowing their professional affiliation, that is, whether they are a social worker or a lawyer?" While lambda cannot be used to draw inferences about an association's existence from sample data to a population (it cannot be generalized from one to the other), it can represent measures of association strength for descriptive purposes (Lutz, 1983). In this particular project, the dependent and independent variables are not clearly defined. As such, symmetrical lambda, as opposed to asymmetrical, was calculated. Lutz (1983) provides us with a verbal translation of the values of lambda as exemplified in the following table.

<b>Value of Measure</b>	<b>Verbal Interpretation</b>
0	No Association
.01 - .25	Weak Association
.26 - .55	Moderate Association
.56 - .75	Strong Association
.76 - .99	Very Strong Association
1	Perfect Association

(Lutz, 1983, p.156).

While chi-square analysis is not recommended on tables where the expected frequency is less than 5 and the  $df=1$  given the increase in risk of the null hypothesis being falsely rejected (Type 1 error), recent studies indicate that this is "probably too stringent and can be relaxed" (Norusis, p. B-99). Another option in addressing the concern of small expected frequencies, is to utilize the Yates corrected chi-square which is used specifically when small expected frequencies are found in the data. This measure is incorporated to offset or "correct" any distortions in the data which may be evident in a 2 x 2 table with small expected frequencies. In this study, Yates's correction for continuity was automatically calculated by SPSS, the Statistical Package for the Social Sciences (Norusis, 1992). Despite the limitations, the literature does indicate that for sample sizes as small as 8, chi-square has been shown to yield reliable test results (Lutz, 1983).

The data obtained from the completed questionnaires was entered into SPSS for analysis. Descriptive statistics commented on the frequency of responses for several variables (i.e., gender, years in respective profession, and court appearances per month). The data was then organized in 2 x 2 cross-tabulation (profession by perception of who had responsibility for each task) for each of the 42 tasks, as the focus in utilizing a cross-tab is on the differences between groups (in this study, social workers and lawyers). In order to test for statistical significance (true sample difference not due to chance or sampling error alone),

the chi-square test was utilized, given that the data for this particular study was at a nominal level of measurement. As this is exploratory research, the alpha level or level of significance, was set at .05, which means that the chances of obtaining the measured association as a result of sampling error are 5 times out of 100 (Babbie, 1975).

With regard to the focus group interviews, content analysis procedures, as noted earlier, were undertaken. Responses were organized according to profession with three themes being identified: (1) differences in responses between social workers and lawyers, (2) the impact of differences on working relationships between social workers and lawyers, and (3) recommendations for the future as it pertains to the working relationship between the two professions. It would have been preferable to have had the opportunity to record the interviews which would have allowed for a verbatim transcription of responses offering increased accuracy and context to the results of the interviews. However, this was simply not possible due to the resistance and discomfort associated with such a plan. As such, any interpretation of these data must be made with caution. Results of the qualitative component of the study are especially relevant in the final chapter of this report where implications and recommendations for future examination of this topic are explored.

### **Confidentiality**

Confidentiality was maintained by the utilization of Ms. Green who, in a neighbouring province, was responsible for the collection of all completed

questionnaires. Ms. Green was also responsible for forwarding the detached, last page of the questionnaire to the writer, which indicated those who wished to participate in the follow-up interviews.

With regard to the follow-up interviews, each participant was required to sign an Informed Consent Form, which acknowledged that a "slight possibility" existed that confidentiality might be compromised by participating in the interview, but that all possible efforts were made to maintain such confidentiality.

### **Methodological Limitations**

In addition to the limitations previously discussed, there are several other methodological limitations to a cross-sectional survey design. First, given that this research was cross-sectional, we were capturing information and measuring such data at one single point in time only. We did not have the benefits of a longitudinal analysis where measurements of change over time are possible. It would be interesting to replicate this study at a one-year, three-year, or five-year interval to establish whether differences in responses between social workers and lawyers change over time. Other options, as recommended by Weil (1982) may be to replicate this study after an intensive training program or major educational effort is made towards clarifying the roles and responsibilities of social workers and lawyers in the context of child protection cases, in order to determine whether such an intervention is effective.

Second, the survey research method involves the retrieval of structured, somewhat restricted information which may fail to account for the context of

social life (Rubin & Babbie, 1989). The survey researcher can seldom develop the "feel" for the total life situation in which respondents are thinking and acting (Babbie, 1975). However, the qualitative component of this research (the focus group interviews), serves to mitigate this limitation to some degree and provides complementary information on the context of social worker/lawyer collaboration.

Third, the risk of social desirability and response bias exists with any self report measures calling into question the validity of the measure (Rubin & Babbie, 1989). In essence, "what people say they believe does not always correspond with how they actually behave in real-life situations" (Jackson, 1988, p. 28).

Fourth, adequate response rates may be difficult to achieve in utilizing survey research designs (Rubin & Babbie, 1989). This can be combatted by the use of follow up letters which encourage the completion of the questionnaire, if necessary. However a responses rate of 50% (achieved in this project) is considered adequate for reporting (Lutz, 1983).

Fifth, cause and effect relationships are difficult to establish through the use of the cross-sectional survey (Streiner, 1986), as the information obtained in such research is retrospective in nature. It is a collection of self-reports of recalled past action. Surveys lack the tight controls of experiments wherein the variables can be manipulated and cause and effect relationships are more easily ascertained (Rubin & Babbie, 1989). As this research does not seek to establish a cause and effect relationship, this limitation is not applicable.

Despite limitations, the cross-sectional survey design can, on matters of fact, produce reliable and valid responses (Jackson, 1988). Coupled with the advantages described earlier and when the purpose of the study is to measure attitudes (towards the assignment of roles and responsibilities in child protection proceedings for the purposes of this study), Jackson (1988) writes that there is "little other alternative than to ask people about those they hold" (p. 28).

Aside from the strengths and weaknesses inherent in focus group interviews which were described earlier, several other notes should be made. Focus group interviews allow for highly efficient, qualitative data collection (i.e., the researcher can gather information from several people rather than just one person). In addition, focus group interviews also provide some quality controls on data collection in that participants tend to provide checks and balances on each other that weed out false or extreme views. In doing so, group dynamics typically lead to a focus on the most salient topics and issues at hand (Patton, 1990). Finally, focus group interviews tend to be quite enjoyable to the participants. Limitations of the focus group interview include the limited number of questions which can be asked (dependent on the number of participants in the interview). Conducting such a group interview also requires knowledge on how to manage it so that the interview is not dominated by one or two people, but rather that all participants are encouraged to share their views. Conflicts may arise, power struggles may ensue, and the interviewer must know how to respond to such dynamics. For this project, these issues were especially pertinent as the

**participants all knew one another and appeared quite comfortable in each other's presence. One might suppose that in the company of strangers, one's thoughts and opinions may not take on the open, spontaneous, and direct comments as exhibited by this particular subgroup of interviewees.**

**The next chapter describes the data analyses and presents the findings as they relate to the hypotheses.**

**CHAPTER IV**  
**RESEARCH FINDINGS**

**Participants**

In total, 217 questionnaires were distributed, with 103 completed questionnaires and six incomplete questionnaires returned - a total response rate of 50%. Years of experience as a "front-line" protection social worker ranged from 1 to 32 years with the mean of 6 years (SD = 5.77). Years of experience practicing law ranged from 2 to 25 years with a mean of 10 years (SD = 5.68). Years litigating child protection cases ranged from 2 to 25 years with a mean of 9 years (SD = 5.85). Table 2 demonstrates the response rate for both professions.

**Table 2**

**Response Rate by Profession**

<b>Profession</b>	<b>Number Distributed</b>	<b>Number Returned</b>	<b>Response Rate</b>
Social Workers	113	56	50 %
Lawyers	104	47	45 %
<b>TOTAL</b>	<b>217</b>	<b>103</b>	<b>50 %*</b>

\* Total response rate includes six incomplete returned questionnaires.

When differentiated by Area of Winnipeg Child and Family Services (hereafter referred to as WCFS), Northwest completed and returned the most questionnaires, followed by East Area. Table 3 shows the varying response rates by Area.

**Table 3****Response Rate for Social Workers**

<b>Area of WCFS</b>	<b>Number Distributed</b>	<b>Number Returned</b>	<b>Response Rate</b>
Central	27	11	41 %
Northwest	28	19	68 %
East	29	13	45 %
Southwest	29	12	41 %
<b>TOTAL</b>	<b>113</b>	<b>55*</b>	<b>49 %</b>

\* Excludes one questionnaire where the "Area of WCFS" was omitted.

Of the 47 questionnaires received from lawyers, 35 indicated they were counsel for parents or children while 12 respondents indicated that they were counsel for the Agency. Four respondents indicated that they were counsel for both the Agency and parents/children. As there was not a category on the questionnaire to capture the lawyers who represented both parties, two of these questionnaires were arbitrarily assigned as Agency counsel while the remaining two were arbitrarily counted as counsel for parents/children. For the lawyers that indicated they were "Agency counsel", it is not known whether they represented Winnipeg Child and Family Services or other Agencies (i.e., Native Agencies), as the questionnaire did not allow for this distinction. For these reasons the total number of Agency counsel is somewhat inflated and must be interpreted with caution. Table 4 demonstrates the responses according to counsel.

**Table 4****Response Rate for Lawyers**

	<b>Frequency</b>	<b>Percent</b>
Parent/Child	35	74%
Agency	12	26%
<b>TOTAL</b>	<b>47</b>	<b>46%</b>

Table 5 differentiates the respondents by gender. The breakdown of this particular variable lends support to the traditionally held notion that the majority of members of the social work profession are female and members of the law profession, male.

**Table 5****Response Rate According to Gender**

<b>Gender</b>	<b>Social Worker</b>		<b>Lawyer</b>	
	<b>Frequency</b>	<b>Percent</b>	<b>Frequency</b>	<b>Percent</b>
Male	8	14%	31	66%
Female	48	86%	16	34%
<b>TOTAL</b>	<b>56</b>	<b>100%</b>	<b>47</b>	<b>100%</b>

When asked how frequently they had appeared in court over the past six months, 55% (n=30) of the social workers selected the 2 to 5 appearances per month category. For the lawyers, however, 43% (n=20) selected the <2 appearances/month, indicating that for just under half of the lawyer respondents, appearances in court on child protection matters comprise a very small percentage of their total appearances in court per month. One might speculate that child protection cases constitute a relatively small portion of their law

practice or that, of all the child protection cases they do have, the majority are settled prior to the case having to go through the child protection litigation process. Table 6 demonstrates the responses to "Appearances in Court" for social workers and lawyers.

**Table 6**

**Appearances in Court for Social Workers and Lawyers**

	Social Workers		Lawyers	
	Frequency	Percent	Frequency	Percent
<2	14	25%	20	43%
2-5	30	55%	14	30%
6-10	7	13%	6	13%
11-15	2	4%	3	6%
16-20	2	4%	4	9%

**Utilization of the Category Entitled "Other"**

Each of the respondents had three choices in selecting their answer to the question, "Who should have primary responsibility for each of these tasks?" (i.e., Social Worker, Lawyer, or Other). Some respondents viewed the "Other" category to mean other professional, inferring that neither a social worker nor a lawyer, but some other professional, should have primary responsibility for that particular task. Yet some respondents interpreted the "Other" category to mean that both social workers and lawyers should share the responsibility in carrying out that particular task. Because of the lack of consistency in how this category was interpreted, the responses to the "Other" category are reported descriptively,

the frequencies of responses being approximations only. In all cases, the responses to the "Other" category were excluded from the statistical analysis, which sought to either accept or reject the null hypothesis.

The following section descriptively reports on the results where the participants interpreted the category entitled "Other" to mean "other professional" (i.e., not a social worker and not a lawyer, but some "other" professional).

**Other Professionals' Involvement in a Child Protection Proceeding.** Out of the 56 completed questionnaires returned from the social workers, five respondents (9%) exclusively selected either a social worker or lawyer as having primary responsibility for each of the tasks listed on the questionnaire. Out of the 47 completed questionnaires returned by the lawyers, only three (6%) felt that the responsibility for each of the listed tasks fell exclusively to either the social worker or the lawyer, that is, these respondents did not feel that any of the tasks could be shared nor did they feel that the task could be assigned to anybody but a social worker or a lawyer.

Approximately 24 social workers (43%) and 23 lawyers (49%) utilized the category "Other" to name another professional who should have primary responsibility for each identified task. Their responses to each task are itemized in Table 7. Under the pre-adjudication phase of the child protection proceeding, the task found to result in the highest frequency of respondents assigning it elsewhere (i.e., assigning the task to someone other than a social worker or a

lawyer) was *Serving Petition and Notice of Hearing* (Task # 4). For this particular task, it can be noted that almost 1/3 of the social workers and just under 1/4 of the lawyers, believe that this task should be carried out by a process server rather than the current practice where this responsibility usually falls to the social worker. It has been discussed frequently among social workers that they rarely have the time to carry out this task and/or that the task may involve workers putting themselves at physical risk - a position some social workers believe should not be an expected job requirement. *Preparing affidavits* (Task #3) gave rise to some discrepancy as seven social workers felt that this task should belong to the legal clerk while no lawyers assigned this responsibility out to another professional. It is quite likely that the lawyers viewed this task as one with a legal focus and thus would feel that the primary responsibility for this task should fall to the lawyer. The cross-tabulation (Table 9) indeed substantiates this assumption with 44 out of the 47 lawyers assigning this responsibility to themselves.

*Filing Petitions* (Task #7) was identified by both social workers (13%) and lawyers (9%) as being a task which could be assigned to either a paralegal or a legal clerk. Again, this is a task with a legal function, one which is not necessarily directly carried out by the lawyers themselves but which clearly has a legal focus. This is also confirmed in the cross-tabulation (Table 9), where 49 out of 56 (88%) social workers assigned this task to the lawyers. The remainder of the social workers assigned the task to the legal clerks. Thirty-six out of 47

lawyers (77%) assigned this task to themselves with 9% assigning this task to a paralegal. These findings indicate that there is some recognition between both professions that *Serving Petition and Notice of Hearing* and *Filing Petitions* are primarily functional legal tasks which could be handled by someone other than the social worker or the lawyer.

There are three additional observations related to the remaining tasks listed under the pre-adjudication phase of the child protection proceeding.

Lawyers are more likely to allocate responsibility for certain tasks to judges than social workers are. Table 7 demonstrates that while a small percentage of lawyers listed judges as having primary responsibility for; *Recommending psychological/psychiatric assessment* (4%), *Deciding whether child should testify* (4%), *Deciding which cases should be informally disposed of* (2%), *Informing parents of their rights when their child is taken into care* (2%), *Determining access arrangements* (2%), and *Assessing parental capacity* (4%), none of the social workers identified a judge as having responsibility for any of these tasks. An explanation for this finding is difficult to state with any degree of certainty. However, it could be due in part to lawyers' being more acutely aware of the role and responsibilities of judges than social workers. This finding also begs the question, "What then, do social workers believe the responsibility of the judge is in a child protection proceeding?"

The second observation is that social workers are more likely to identify the Winnipeg City Police (WCP) as having responsibility for some tasks than

lawyers are. For example, 4% (n=2) of social workers gave the responsibility for *Preliminary investigation of facts to substantiate allegations* (Task #13) to WCP and 2% (n=1) of social workers allocated *Discussion of allegations with medical practitioners who may have treated the child* (Task #14) to the WCP. No lawyers however, identified the Winnipeg City Police as having primary responsibility for either of these tasks. This finding could be due in part to both these tasks being "pre-legal" in nature, primarily occurring before the initiation of a child protection legal proceeding and with the focus being to substantiate whether abuse occurred or not in order to make a determination whether criminal charges will be laid.

The third observation is that for 12 out of the 26 (46%) tasks listed under the pre-adjudication phase of the child protection proceeding, there is apparent agreement between social workers and lawyers that no "other" professionals should have primary responsibility for these tasks (identified in Table 6 with a (—)). Both social workers and lawyers identified 14 tasks under this first phase of the child protection proceeding, which should be carried by "other" professionals. For six of these tasks, there is agreement between the two professions that the tasks should be the primary responsibility of other professionals, although there is some disagreement on which "other" professional should have the primary responsibility for two tasks. For example, while both professions identify that *Deciding which cases should be informally disposed of* (Task #15) should be undertaken by an "other" professional, 4% of the social workers felt that this task

should be their supervisor's responsibility, while 2% of lawyers felt that this task should be a judge's responsibility. Similarly, *Assessing alternative familial placements* (Task #22) is identified by members of both professions as falling to the responsibility of another professional, however, 4% of social workers feel that this task should be the responsibility of the kinship worker while 2% of lawyers feel that an independent assessor should carry this responsibility. For some lawyers who represent parents or their children, there is a belief that the kinship worker (a social worker employed by Winnipeg Child and Family Services who conducts home studies on guardianship applicants) is unable to be objective, and is therefore biased in favour of the Agency. Some lawyers therefore prefer for the home study to be performed by a "independent" (i.e., external) assessor. Agreement exists, as previously mentioned, for "other" professionals to carry the responsibility for *Serving Petition and Notice of Hearing* (Task #4) and *Filing Petitions* (Task #7). Responses to the tasks, *Deciding whether child should testify* (Task #9) and *Assessing parental capacity* (Task #26) offer some minimal (perhaps semantical) differences which can be noted in Table 7.

Under the Adjudication phase of the child protection proceeding, the results indicate that there is significant agreement among social workers and lawyers that only one of these tasks should be the primary responsibility of an "other" professional, but that for all the other tasks listed under this phase of the child protection proceeding, none should be assumed by any other professional. Seven percent of social workers believed that *Determining "Need of Protection"*

should be the primary responsibility of the judge, while 2% believed it should be the primary responsibility of their supervisor. Twenty three percent of the lawyers, on the other hand, identified the judge as being the professional who should incur responsibility for this task. No other professionals were identified by the lawyers. Once again, this finding emphasizes the point made earlier that lawyers are more likely (for this task, three times more likely) to place responsibility on a judge than social workers are. Fewer "other" professionals being identified in this phase of the child protection proceeding is not surprising, given that the tasks listed under the adjudication phase concentrate on tasks performed in court, and as such, would simply be inappropriate if assigned to anybody but the social worker or the lawyer.

Results found in the Post-adjudication phase of the child protection proceeding again vary when looking at the assignment of these tasks to "other" professionals. Two percent of the lawyers believe that the responsibility for *Warning parents about violating court order* (Task #37) and *Monitoring progress of clients' participation in rehabilitative resources* (Task #40) should belong to the judge. Four percent of the social workers believe the judge should have primary responsibility for *Warning parents about violating court order* and 2% believe this task should fall to the parents' counsel, as should responsibility for *Interpreting court order to parents* (Task #36). Two percent of lawyers felt that *Interpreting court order to child* should be the primary responsibility of the foster parents. It is not surprising to see that no social workers assigned this responsibility

elsewhere, quite likely believing that this is their own responsibility, an observation confirmed by results from the cross tabulation. Once again, some social workers deferred responsibility to Winnipeg City Police, where 4% of social workers believed that *Monitoring the implementation of the court order* (Task #39) should be handled by WCP, while none of the lawyers identified any "other" professional to assume responsibility for this task. Unlike the adjudication phase, there is more latitude after the child protection proceeding has concluded to involve "other" professionals, although this perceived latitude is rather restricted as most of the responses to these tasks leaned to legal professionals (i.e., parents counsel and judge rather than to "other" professionals outside of the legal community). No "other" professionals were identified as appropriate in carrying responsibility for *Determining a service plan for the child and family* (Task #38) by either social workers or lawyers. This is not surprising, given that this task is clearly one which would be the responsibility of the social worker.

Under the miscellaneous section of the questionnaire, "other" professionals were named for *Organizing and facilitating training related to legal procedures* (Task #41), where 5% of social workers and 2% of lawyers felt that responsibility for this task should lie with Agency Management. *Making referrals to Mediation or Alternative Dispute Resolution on behalf of client* (Task #42) was identified by 2% of the social workers as a task which should be the primary responsibility of a judge. Albeit a small percentage, this is an interesting dichotomy to earlier

findings which showed that it is more likely that lawyers will assign responsibility to judges than social workers. For this particular task, no lawyers assigned responsibility to a judge. Table 7 summarizes the assignment of responsibilities to "other" professionals by both social workers and lawyers.

**Table 7**

**Other Professionals' Involvement in the Child Protection Proceeding**

<b>Task Number</b>	<b>Social Worker (n=56)</b>	<b>Lawyer (n=47)</b>
<b>Pre-Adjudication</b>		
1. Recommending psychological psychiatric assessment	---	4% - Judge (n=2) 2% - family Dr. (n=1) 2% - supervising psychologist (n=1)
2. Sharing particulars	---	---
3. Preparing affidavits	13% - Legal Clerk (n=7)	---
4. Serving Petition and Notice of Hearing	29% - Process Server etc. (n=16)	23% - Process Server (n=11)
5. Recommending length of order sought / recommending particular disposition to Court	---	2% - Psychologist (n=1)
6. Notifying parents of apprehension	---	---
7. Filing Petitions	13% - Legal Clerk (n=7)	9% - Paralegal (n=4)
8. Selection of Witnesses	---	---
9. Deciding whether child should testify	2% - Child's Therapist (n=1)	4% - Judge (n=2) 2% - Psychologist (n=1) 2% - Physician (n=1)
10. Entering agreements with parents or their counsel	---	---
11. Discussing allegations with Police or Crown	---	---

12. Explaining reasons for hearing to parents	2% - Parent's Counsel (n=1)	---
13. Preliminary investigation of facts to substantiate allegations	4% - Winnipeg City Police (n=2)	---
14. Discussion of allegations with medical practitioners who may have treated the child	2% - Winnipeg City Police (n=1)	---
15. Deciding which cases should be informally disposed of (i.e. child returned home or VPA signed)	4% - Supervisor (n=2)	2% - Judge (Court) (n=1)
16. Requesting witnesses to testify at court hearing	---	---
17. Deciding the content of particulars	---	---
18. Informing parents of their rights when their child is taken into care	---	2% - Judge (Court) (n=1)
19. Preparing pre-trial brief	---	---
20. Preparing "lay" witnesses, i.e. foster parents, character witnesses	---	---
21. Determining access arrangements	---	2% - Judge (Court) (n=1)
22. Assessing alternative familial placements	4% Kinship Worker (n=2)	2% - Independent Assessor (n=1)
23. Informing client of community resources for treatment or rehabilitation	---	---
24. Preparing a contested court summary	---	---
25. Making referrals to rehabilitation resources on behalf of client	---	---
26. Assessing parental capacity	4% - CPC (n=2) 2% - "Expert" (n=1)	4% - Court (n=2) 4% - Independent Assessor (n=2) 2% - Psychologist (n=1)

<b>Adjudication</b>		
27. Determining "need of protection"	7% - Judge (n=4) 2% - Supervisor (n=1)	23% - Judge (Court) (n=11)
28. Oral argument	---	---
29. Presenting information about allegations in court	---	---
30. Presentation of social history information to the court	---	---
31. Informing the court of community resources for treatment or rehabilitation	---	---
32. Informal discussion of a case with the judge	---	---
33. Scheduling of witnesses	---	---
34. Speaking at pre-trial conference	---	---
<b>Post-Adjudication</b>		
35. Interpreting court order to child	---	2% - Foster parents (n=1)
36. Interpreting court order to parents	2% - Parent's Counsel (n=1)	---
37. Warning parents about violating court order	4% - Judge (n=2) 2% - Parent's Counsel (n=1)	2% - Court (n=1)
38. Determining a service plan for the child and family	---	---
39. Monitoring the implementation of the court order	4% - WCP (n=2)	---
40. Monitoring progress of clients' participation in rehabilitation resource	---	2% - Court (n=1)

<b>Miscellaneous</b>		
<b>41. Organizing and facilitating training related to legal procedures</b>	<b>5% - Agency Management (n=3)</b>	<b>2% - Agency Management (n=1)</b>
<b>42. Making referrals to Mediation or Alternative Dispute Resolution on behalf of client</b>	<b>2% - Judge (n=1)</b>	---

The following section descriptively reports on the results where the participants interpreted the category entitled "other" to mean "both" social worker and lawyer sharing responsibility. It also includes the responses to the follow-up question on shared responsibility found after each section of the questionnaire.

**Shared Responsibilities in the Child Protection Proceeding.** Approximately 16 social workers (29%) and fifteen lawyers (32%) defined the category "Other" to mean both social worker and lawyer should have responsibility for the task. Some respondents used the word "joint" or "shared" which, for the purposes of this study, was defined as both professionals sharing responsibility for that particular task. In addition, the follow-up question which followed each section of the questionnaire offered the respondents yet another opportunity to comment on the sharing of tasks between both professions. Table 8 summarizes these results.

**Table 8****Shared Responsibilities in the Child Protection Proceeding**

<b>Task Number</b>	<b>Social Worker (n=56)</b>	<b>Lawyer (n=47)</b>
<b>Pre-Adjudication</b>		
1. Recommending psychological /psychiatric assessment	9% (n=5)	15% (n=7)
2. Sharing particulars	2% (n=1)	6% (n=3)
3. Preparing affidavits	2% (n=1)	9% (n=4)
4. Serving Petition and Notice of Hearing	2% (n=1)	*
5. Recommending length of order sought / recommending particular disposition to Court	9% (n=5)	30% (n=14)
6. Notifying parents of apprehension	•	*
7. Filing Petitions	2% (n=1)	•
8. Selection of Witnesses	36% (n=20)	21% (n=10)
9. Deciding whether child should testify	21% (n= 12)	23% (n=11)
10. Entering agreements with parents or their counsel	34% (n=19)	15% (n=7)
11. Discussing allegations with Police or Crown	16% (n=9)	17% (n=8)
12. Explaining reasons for hearing to parents	11% (n=6)	10% (n=5)
13. Preliminary investigation of facts to substantiate allegations	4% (n=2)	6% (n=3)
14. Discussion of allegations with medical practitioners who may have treated the child	9% (n=5)	21% (n=10)
15. Deciding which cases should be informally disposed of (i.e. child returned home or VPA signed)	16% (n=9)	17% (n=8)

16. Requesting witnesses to testify at court hearing	7% (n=4)	13% (n=6)
17. Deciding the content of particulars	27% (n=15)	17% (n=8)
18. Informing parents of their rights when their child is taken into care	13% (n=7)	9% (n=4)
19. Preparing pre-trial brief	11% (n=6)	10% (n=5)
20. Preparing "lay" witnesses, i.e. foster parents, character witnesses	11% (n=6)	21% (n=10)
21. Determining access arrangements	5% (n=3)	10% (n=5)
22. Assessing alternative familial placements	*	2% (n=1)
23. Informing client of community resources for treatment or rehabilitation	2% (n=1)	6% (n=3)
24. Preparing a contested court summary	20% (n=11)	9% (n=4)
25. Making referrals to rehabilitation resources on behalf of client	2% (n=1)	4% (n=2)
26. Assessing parental capacity	2% (n=1)	2% (n=1)
<b>Adjudication</b>		
27. Determining "need of protection"	2% (n=1)	23% (n=11)
28. Oral argument	2% (n=1)	6% (n=3)
29. Presenting information about allegations in court	21% (n=12)	11% (n=5)
30. Presentation of social history information to the court	16% (n=9)	9% (n=4)
31. Informing the court of community resources for treatment or rehabilitation	9% (n=5)	11% (n=5)
32. Informal discussion of a case with the judge	27% (n=15)	30% (n=14)
33. Scheduling of witnesses	2% (n=1)	6% (n=3)
34. Speaking at pre-trial conference	52% (n=29)	40% (n=19)

<b>Post-Adjudication</b>		
35. Interpreting court order to child	21% (n=12)	23% (n=11)
36. Interpreting court order to parents	45% (n=25)	19% (n=9)
37. Warning parents about violating court order	36% (n=20)	13% (n=6)
38. Determining a service plan for the child and family	2% (n=1)	4% (n=2)
39. Monitoring the implementation of the court order	5% (n=3)	2% (n=1)
40. Monitoring progress of clients' participation in rehabilitation resource	*	•
<b>Miscellaneous</b>		
41. Organizing and facilitating training related to legal procedures	16% (n=9)	30% (n=14)
42. Making referrals to Mediation or Alternative Dispute Resolution on behalf of client	30% (n=17)	43% (n=20)

There are seven tasks under the pre-adjudication phase of the child protection proceeding which demonstrate moderate variations in the percentage of responses from social workers and lawyers when commenting on shared responsibilities. Social Workers appear more open to sharing the responsibility for: *Selection of witnesses* (Task #8), *Entering agreements with parents or their counsel* (Task #10), *Deciding the content of particulars* (Task #17), and *Preparing a contested court summary* (Task #24) than lawyers do. *Entering agreements with parents or their counsel*, perhaps the most controversial task debated between social workers and lawyers, is demonstrated in this study to persist as a heated topic between the two professions, given that 34% of social workers believe this task could be shared compared to 15% of lawyers who are of the same opinion.

In terms of impact on clients and service delivery, clearly this particular task carries much more significance than the three other tasks which are primarily preparatory tasks which both the social worker and lawyer may contribute towards.

Lawyers, on the other hand, are more willing to share responsibility for: *Recommending length of order sought/recommending particular disposition to the court* (Task #5), *Discussion of allegations with medical practitioners who may have treated the child* (Task #14), and *Preparing "lay" witnesses i.e. foster parents* (Task #20) than social workers are. It is quite likely that social workers believe the primary responsibility for preparing witnesses for court is the lawyer's job. The results related to Task #5 are quite fascinating, given that lawyers are three times more willing or open to sharing responsibility for this task than social workers are. This could be due in part to the social worker's view that the lawyer's job is to tell them what length of order the Agency would be successful in obtaining before a Court. The counter argument, however, could be that the service or case plan, which is usually the social worker's responsibility, (*Note: only 2% of social workers and 4% of lawyers believed that *Determining a service plan for the child and family* [Task #38] could be shared*) should be the factor which determines the length of time a child will be in care, or the anticipated length of time a family will need to rehabilitate themselves, rather than what the Agency or counsel believes will be acceptable to a court. Perhaps the two are inseparable, or perhaps each profession has a different view on whose needs are

being satisfied by this particular task.

The samples were similar in regard to shared responsibilities for the other tasks listed under the pre-adjudication phase.

During the adjudication phase of the child protection proceeding, lawyers are far more likely than social workers to share responsibility for *Determining "need of protection"* (Task #27). In the following section, which shows a cross-tabulation of responses from both social workers and lawyers to this particular task, it is clear that the majority of social workers believe that this task is their own responsibility. It was noted in the previous section describing "other" professionals involvement in child protection proceedings, that 7% of social workers felt that this task was the responsibility of the Judge, while 2% believed this task should belong to their supervisor. This is a task very few social workers are willing to share with a lawyer, despite the fact that almost one quarter of lawyers believe the task should be shared. Social workers are willing to share responsibility for *Presenting information about allegations in court* (Task #29) and *Speaking at a pre-trial conference* (Task #34) more so than lawyers are. There could be two possible explanations for this finding. One is that social workers want lawyers to be more involved in these two tasks than is presently the practice. The other explanation could be that the social workers perceive the lawyers to be "over-involved" and wish for a more balanced presentation in court from members of both professions. It is not that the lawyers refuse to share responsibility for these tasks. We can see in Table 8 that 40% of lawyers believe

that responsibility for *Speaking at a pretrial conference* (Task #34) should be shared. Perhaps the majority of lawyers believe that, given that this particular task occurs in the midst of a courtroom, indeed in the midst of the child protection proceeding, it is a legal function and therefore the responsibility of the lawyer.

It is indeed worrisome when differences of opinion (10% and higher) are found for three out of eight tasks (38%) in the adjudication phase. The findings thus far indicate that even though there are moderate differences in opinion for 7 out of the 26 tasks (27%) during the pre-adjudication phase as to whether tasks should be shared or not, the differences of opinion increase in the adjudication phase - a particularly critical phase of the child protection proceeding. One would think that once the professionals are at this stage of the proceeding, both social workers and lawyers would be operating with relative clarity and agreement as to which tasks should be shared. One wonders whether such uncertainty and confusion is apparent to the judge and how these dynamics impact on the presentation of a case to the Court.

After the social worker and lawyer exit the court room, uncertainty continues with regard to the sharing of responsibilities, especially for two tasks during the post-adjudication phase of the child protection proceeding. Once again, social workers are more willing to share responsibility for *Interpreting court order to parents* (Task #36) and *Warning parents about violating court order* (Task #37) than lawyers. Almost half of all the social workers (45%) believed

that the *Interpretation of the court order to parents* should be done jointly, while only 19% of lawyers were of the same opinion. There may also have been differences of opinion amongst the lawyers themselves on this task, depending on whether the lawyer was acting for the Agency or for the parents or children. For example, a lawyer for a parent may not wish for the social worker to interpret any order to the parents. The lawyer may believe that the social worker is not to be trusted or may misinterpret the order. In this regard, parents' counsel may be uncomfortable with sharing responsibility for this task and instead will perform this responsibility on their own. Other lawyers, however, who have a positive working relationship with the social worker and who know their client also has a positive working relationship with the social worker, may encourage and support shared responsibility for this task. It is a rare event, in this worker's experience, to have both a social worker and lawyer sit down with a client and go through the order with them. It is more likely that this task is performed by both professionals but at different times and in different ways. For example, the social worker may go over the order in person while the lawyer may send a copy of the order with its interpretation in written form through the mail.

The same argument could be made for Task #37 - *Warning parents about violating court order*. Only 13% of lawyers believe that this task should be shared compared to 36% of social workers. It is helpful, in this worker's experience, to have parents' counsel explain to clients the consequences of violating a court order. However, this writer also believes that it is the social worker's

responsibility to inform the parents of what action will be taken by the Agency should the order be violated. This suggests the task should be shared.

Responses to the two tasks included under the Miscellaneous heading also resulted in considerable variation between the professions, although members of both professions believe that both of these tasks should be shared. Thirty percent of lawyers felt that *Organizing and facilitating training related to legal procedures* should be a shared responsibility, compared to only 16% of social workers. It is quite possible that the social workers feel that the lawyers are the experts on legal procedures and as such, should be facilitating the training. It is also possible that social worker and lawyers believed that while the lawyers should facilitate the training, social workers could assist in organizing such an event.

More lawyers than social workers believed that *Making referrals to mediation or alternative dispute resolution on behalf of client* (Task #42) should be shared, however the percentages of both professions indicate a fairly similar view that there is benefit in the social worker and lawyer sharing responsibility for this task.

In summary, there were 14 tasks identified throughout all phases of the child protection proceeding which resulted in moderate variation in the percentages of respondents who believed that tasks should be shared. Social workers appeared more willing to share responsibilities for 8 out of the 14 tasks. Lawyers were more willing to share responsibility for six tasks, three of which were in the pre-adjudication phase of the child protection proceeding. With

regard to the sharing of tasks, it was found that 38% of the tasks during the adjudication phase of the child protection proceeding resulted in a difference of 10% or more between social workers and lawyers. Uncertainty during this phase of the proceeding serves only to increase stress and vulnerability at a time when the respective roles and responsibilities of social workers and lawyers ought to be crystal clear. For it is during this phase that critical information is presented and critical decisions are made.

#### **The Assignment of Tasks in the Child Protection Proceeding**

The chi square test of statistical significance was employed to examine the null hypotheses of no statistically significant differences with a .05 level of significance being chosen as the level of probability at which the null hypothesis is rejected. In addition, lambda, a proportionate reduction in error measure, was also utilized in an effort to ascertain the degree in which one could reduce the error in predicting values of one variable from values of another. For the purposes of this study, symmetrical lambda shall apply as there are no clearly distinguished independent and/or dependent variables. Both tests were run for each identified task. The results will be reported according to the three phases of the child protection proceeding as well as the miscellaneous section found in the questionnaire.

**Pre-Adjudication.** Statistically significant differences in responses between social workers and lawyers were found for 14 tasks under the pre-adjudication phase of the child protection proceeding. Thus, for just over half of the tasks

(54%) listed under the pre-adjudication phase, lawyers and social workers had significantly different opinions about who should be taking primary responsibility. By far the most contentious task was *Deciding whether child should testify* (Task #9). Thirty four social workers felt that they should have primary responsibility for this task while only seven lawyers felt the social workers should have responsibility for this task. Thirty three lawyers felt that they should be the ones to carry the responsibility for this task, while only 11 social workers felt that this was a task the lawyers' should assume. This resulted in a statistically significant finding ( $\chi^2=28.59$ ;  $p<.001$ ). Differing perceptions on task assignment also surrounded *Entering agreements with parents or their counsel* (Task #10) ( $\chi^2=16.59$ ;  $p<.001$ ). Task #11 - *Discussing allegations with police or crown*, Task #14 - *Discussing allegations with medical practitioners who may have treated the child*, and Task #8 - *Selection of witnesses* yielded comparable chi-square values those being  $\chi^2=15.05$ ,  $p<.001$ ;  $\chi^2=15.31$ ,  $p<.001$ ; and  $\chi^2=15.95$ ,  $p<.001$  respectively. Two other tasks, *Recommending psychological/psychiatric assessment* (Task #1) and *Recommending length of order sought/particular disposition to the Court* (Task #5) also resulted in statistically significant differences in the opinions from social workers and lawyers ( $\chi^2=12.23$ ;  $p<.01$  and  $\chi^2=14.25$ ;  $p<.01$  respectively).

With regard to the lambda measure, the results of this study indicate that for a majority of the tasks where statistically significant differences were found between the responses of social workers and lawyers, weak associations between

the variables, profession and perception of who has responsibility for each task, were found. Three tasks which resulted in statistically significant differences in the responses between social workers and lawyers, resulted in what Lutz (1983) refers to as a "moderate" association between the variables. *Entering agreements with parents or their counsel* (Task #10) resulted in a lambda value of .33. This value implies that 33% of the differences in the professionals responses toward the assignment of responsibility for Task #10 can be explained (or predicted) by knowledge of their professional affiliation. *Discussing allegations with police or crown* (Task #11) also resulted in a moderate association between the profession variable and the task variable. Here, the lambda value was .26, meaning that 26% of the differences in the professionals' responses toward the assignment of responsibility for this task can be explained (or predicted) by knowing whether the respondent was a social worker or a lawyer. *Determining "need of protection"* (Task #27) yielded a lambda value of .38 - a moderate association. Thirty-eight percent of the differences in responses toward the assignment of responsibility for this particular task can be explained (or predicted) by knowledge of their professional affiliation.

One task showed a strong association between variables. Task # 9 - *Deciding whether child should testify*, showed a lambda value of .56. This implies that knowledge of who the professional is (i.e., whether the respondent is a social worker or lawyer) reduces the error in predicting who they will assign the task to by 56%. In other words, over half of the differences in the professionals'

responses toward the assignment of Task #9 can be explained (or predicted) if we know whether the respondent is a social worker or a lawyer. For the remainder of the tasks where the differences in the responses between social workers and lawyers were found to be statistically significant, knowing the value of one variable was of little assistance in predicting the value of the other variable, that is, the association was weak.

Table 9 presents the cross-tabulation of responses from social workers and lawyers assigning responsibility for each task, as well as the results of the chi-square and lambda measures under the pre-adjudication phase of the child protection proceeding.

**Table 9**

**Pre-Adjudication Phase of the Child Protection Proceeding:  
Cross-Tabulation, Chi-Square, and Lambda Results**

Task Number	Cross-Tab		Chi-Square (df=1)		Symmetric Lambda <sup>2</sup>
			Value	Significance <sup>2</sup>	
1. Recommending psychological/psychiatric assessment	sw lwy	<u>sw</u> <u>lwy</u> <sup>1</sup> 53   30 0   8	12.23	.0005	.17 (weak)
2. Sharing particulars	sw lwy	<u>sw</u> <u>lwy</u> 1   5 54   40	3.79	.0516 (p=n.s.)	.01 (weak)
3. Preparing affidavits	sw lwy	<u>sw</u> <u>lwy</u> 2   1 47   44	.263	.6084 (p=n.s.)	.00 (weak)
4. Serving Petition and Notice of Hearing	sw lwy	<u>sw</u> <u>lwy</u> 17   14 14   19	.986	.3206 (p=n.s.)	.10 (weak)

5. Recommending length of order sought/recommending particular disposition to Court	sw lwy	<u>sw</u> 51 1	<u>lwy</u> 29 12	14.26	.0002	.20 (weak)
6. Notifying parents of apprehension	sw lwy	<u>sw</u> 56 0	<u>lwy</u> 43 4	4.96	.0260	.08 (weak)
7. Filing Petitions	sw lwy	<u>sw</u> 0 49	<u>lwy</u> 7 36	8.63	.0033	.14 (weak)
8. Selection of Witnesses	sw lwy	<u>sw</u> 18 24	<u>lwy</u> 3 43	15.95	.000	.24 (weak)
9. Deciding whether child should testify	sw lwy	<u>sw</u> 34 11	<u>lwy</u> 7 33	28.59	.0000	.56 (strong)
10. Entering agreements with parents or their counsel	sw lwy	<u>sw</u> 22 15	<u>lwy</u> 7 37	16.59	.0001	.33 (moderate)
11. Discussing allegations with Police or Crown	sw lwy	<u>sw</u> 40 7	<u>lwy</u> 20 23	15.05	.0001	.26 (moderate)
12. Explaining reasons for hearing to parents	sw lwy	<u>sw</u> 42 11	<u>lwy</u> 24 20	6.75	.0094	.12 (weak)
13. Preliminary investigation of facts to substantiate allegations	sw lwy	<u>sw</u> 50 4	<u>lwy</u> 41 4	.072	.7877 (p=n.s.)	.00 (weak)
14. Discussion of allegations with medical practitioners who may have treated the child	sw lwy	<u>sw</u> 52 1	<u>lwy</u> 30 13	15.31	.0001	.21 (weak)
15. Deciding which cases should be informally disposed of (i.e. child returned home or VPA signed)	sw lwy	<u>sw</u> 48 1	<u>lwy</u> 36 7	5.85	.0156	.12 (weak)
16. Requesting witnesses to testify at court hearing	sw lwy	<u>sw</u> 5 48	<u>lwy</u> 7 38	.848	.3570 (p=n.s.)	.04 (weak)

17. Deciding the content of particulars	sw lwy	<u>sw</u> 13 35	<u>lwy</u> 3 41	6.56	.0104	.10 (weak)
18. Informing parents of their rights when their child is taken into care	sw lwy	<u>sw</u> 37 15	<u>lwy</u> 19 25	7.67	.0056	.19 (weak)
19. Preparing pre-trial brief	sw lwy	<u>sw</u> 9 44	<u>lwy</u> 2 43	3.83	.0501 (p=n.s.)	.00 (weak)
20. Preparing "lay" witnesses, i.e. foster parents, character witnesses	sw lwy	<u>sw</u> 54 1	<u>lwy</u> 44 2	.556	.4558 (p=n.s.)	.02 (weak)
21. Determining access arrangements	sw lwy	<u>sw</u> 53 2	<u>lwy</u> 36 8	5.70	.0170	.11 (weak)
22. Assessing alternative familial placements	sw lwy	<u>sw</u> 54 0	<u>lwy</u> 43 2	2.45	.1176 (p=n.s.)	.04 (weak)
23. Informing client of community resources for treatment or rehabilitation	sw lwy	<u>sw</u> 56 0	<u>lwy</u> 43 1	1.29	.2569 (p=n.s.)	.02 (weak)
24. Preparing a contested court summary	sw lwy	<u>sw</u> 11 37	<u>lwy</u> 9 35	.082	.7749 (p=n.s.)	.00 (weak)
25. Making referrals to rehabilitation resources on behalf of client	sw lwy	<u>sw</u> 54 1	<u>lwy</u> 40 4	2.70	.1006 (p=n.s.)	.06 (weak)
26. Assessing parental capacity	sw lwy	<u>sw</u> 50 1	<u>lwy</u> 38 2	.650	.4203 (p=n.s.)	.02 (weak)

<sup>1</sup> Interpretation of cross-tab is as follows: 53 social workers thought the task should be the primary responsibility of social workers, zero social workers thought the task should be the lawyer's responsibility, 30 lawyers thought the primary responsibility for this task should go to the social workers, while 8 thought the task should be the lawyer's responsibility.

<sup>2</sup> This column shows the significance at established level of  $p < .05$ .

3 Interpretation of lambda is as follows:

Value of Measure	Verbal Interpretation
0	No Association
.01 - .25	Weak Association
.26 - .55	Moderate Association
.56 - .75	Strong Association
.76 - .99	Very Strong Association
1	Perfect Association

Table 10 illustrates a comparison of tasks found to result in statistically significant differences in the opinions between social workers and lawyers to those tasks where no statistical significance was found. The tasks are listed from the tasks which rendered the highest chi-square value (high degree of disagreement between the members of each professional group) to those with the lowest chi-square value (lower degree of disagreement).

**Table 10**

**Statistical Significance vs. No Statistical Significance: Pre-Adjudication Phase**

Statistical Significance	No Statistical Significance
Deciding whether child should testify	Sharing particulars with opposing counsel
Entering agreements with parents or their counsel	Preparing affidavits
Selection of witnesses	Serving Petition and Notice of Hearing
Discussing allegations with medical practitioners who may have treated the child	Preliminary investigation of facts to substantiate findings
Discussing allegations with police or the crown	Requesting witnesses to testify at court hearing
Recommending length of order sought/particular disposition to the Court	Preparing pretrial brief

Recommending psychological/psychiatric assessment	Preparing lay witnesses
Filing Petitions	Assessing alternative familial placements
Informing parents of their rights when their child is taken into care	Informing client of community resources for treatment or rehabilitation
Explaining reasons for hearing to parents	Preparing a contested court summary
Deciding the content of particulars	Making referrals to rehabilitative resources on behalf of client
Deciding which cases should be informally disposed of	Assessing parental capacity
Determining access arrangements	
Notifying parents of apprehension	

What is noticeable when comparing these two groups of tasks, is that for the majority of tasks where statistically significant differences were not found in the responses from social workers and lawyers, the tasks are primarily functional tasks. For example, *Sharing particulars with opposing counsel, Preparing affidavits, Serving Petition and Notice of Hearing, Requesting witnesses to testify at court hearing, Preparing a pre-trial brief, Preparing a contested court summary, and Preparing lay witnesses* are tasks which, in the scheme of things, do not pose a significant amount of disagreement when it comes to which professional should have primary responsibility for that particular task. *Making referrals or Informing the client of community rehabilitative programs, Assessing parental capacity, Assessing alternative familial placements, and the Preliminary investigation of facts to substantiate findings* are tasks which the social worker is usually and primarily responsible for. The first few tasks which resulted in statistically significant differences in the responses from social workers and

lawyers are those tasks which carry with them significant weight in terms of the outcome of a case and can often be emotionally-laden topics for which both professions feel primarily responsible. The first three tasks, *Deciding whether child should testify*, *Entering agreements with parents or their counsel*, and *Selection of witnesses*, can result in disagreement between professions because each brings to the child protection proceeding different operating principles. It is assumed that the lawyer is concerned primarily with winning or losing the case, while the social worker is concerned with avoiding or minimizing the trauma to the children who are the subject of the child protection proceeding. In essence, the child protection worker continues to make efforts to protect the children - even in the courtroom. These different foci manifest themselves through these tasks. The social worker, in most circumstances, will oppose the child being called as a witness and as such, are selective in who they believe should be called as witnesses. What is important evidence (obtained vis-a-vis the witnesses) to the social worker may be refuted by the lawyer and vice versa.

*Entering agreements with parents and their counsel* is a very controversial task. Complaints have surfaced, specifically between Agency counsel and Agency social workers, that "deals are made" without the input of the social worker. Here the lawyers typically have the "upper-hand", as they are more acutely aware of whether the evidence presented to the court is going to be sufficient to "win" the case or not. Discussions may take place about a possible settlement. It was noted in the cross-tab that 59% of all social workers felt that *Entering agreements*

*with parents or their counsel* should be their responsibility while only 16% of lawyers felt that this task was the social worker's responsibility. Herein lies the difficulty. The majority of social workers want to have the responsibility for this task while the majority of lawyers feel that this task should be their responsibility. As the client, it is quite likely that the 59% of social workers believe that it is their responsibility to advise their (Agency) counsel whether to settle or not. Lawyers, on the other hand, may believe it is their responsibility to advise their client whether their petition will be successful or not and if not, to recommend a settlement. It appears that what is under scrutiny for this particular task is the final say. Who makes the final decision? Who has primary responsibility for this particular task? Here, the two professions strongly disagree with one another.

Other tasks which resulted in significant disagreement between the professions include *Recommending particular disposition to the court* and *Recommending psychological/psychiatric assessment*. Differences of opinion towards task assignment for Task #5 and Task #1 may include an experiential explanation that the two professions may operate from a different value base, with a different perspective, and with different goals in mind. For example, a lawyer may recommend a particular disposition to the court which is going to be successful. The lawyer would recommend an assessment if the evidence was weak, or because the testimony of an expert witness would be required. The social worker, on the other hand, would recommend a certain disposition to the

court based on the capacity for change in the family in a time frame relevant to the needs of the children, or alternatively would petition the court for a permanent order if a determination had been made that capacity for change or ability to parent was minimal or non-existent. The petition being successful is secondary to the social work assessment. Perhaps that is the question: "Which assessment, legal or social work, has precedence during the pre-adjudication phase of the child protection proceeding?"

The next section presents the results for the assignment of tasks during the adjudication phase of the child protection proceeding.

**Adjudication.** Only one out of the eight tasks (13%) under the adjudication phase of the child protection proceeding resulted in statistically significant differences in the responses between social workers and lawyers, Task #27 - *Determining "need of protection"* ( $\chi^2=26.46$ ;  $p<.001$ ). Social workers clearly believe that they should have primary responsibility for this task. Forty-six social workers (94%) felt that this task was their responsibility compared to 42% of lawyers who believed that social workers should have responsibility for this task. Fifty-eight percent of lawyers believed that they should have primary responsibility for this task. It is important to remember also that, as previously discussed, lawyers were more likely than social workers to share this task. They were also more likely to name a judge as having primary responsibility for this task rather than a social worker or a lawyer. The majority of social workers, on the other hand, believe that they, and they alone, should have primary

responsibility for this task. Lambda tests yielded a moderate association between the professions and their perception of who has responsibility for this task. Knowledge of who the professional is (i.e., whether the respondent is a social worker or a lawyer) reduces the error in predicting who the task will be assigned to by 38%.

While social workers and lawyers may not agree on who has primary responsibility for some other tasks included under the adjudication phase of the child protection proceeding, the differences were not statistically significant. Knowing whether the respondent was a lawyer or a social worker was of little help (weak association) in predicting their responses to the assignment of the remaining tasks under the adjudication phase of the child protection proceeding. The results for the tasks listed under the adjudication phase of the child protection proceeding demonstrate that both professions are fairly clear as to who does what for all but one task, which resulted in statistically significant differences in the responses from social workers and lawyers being found. Table 11 demonstrates the results of chi-square and lambda tests, as well as the cross-tabulation of responses to the tasks under the adjudication phase of the child protection proceeding.

**Table 11****Adjudication Phase of the Child Protection Proceeding:****Cross-Tabulation, Chi-Square, and Lambda Results**

Task Number	Cross-Tab		Chi-Square (df=1)		Symmetric Lambda
			Value	Significance	
27. Determining need of protection	sw lwy	<u>sw</u> 46 13 <u>lwy</u> 3 18	26.46	.0000	.38 (moderate)
28. Oral argument	sw lwy	<u>sw</u> 3 <u>lwy</u> 50 47	2.74	.0977 (p=n.s.)	.00 (weak)
29. Presenting information about allegations in court	sw lwy	<u>sw</u> 17 20 <u>lwy</u> 32 27	.626	.4290 (p=n.s.)	.04 (weak)
30. Presentation of social history information to the court	sw lwy	<u>sw</u> 34 33 <u>lwy</u> 16 13	.159	.6902 (p=n.s.)	.00 (weak)
31. Informing the court of community resources for treatment or rehabilitation	sw lwy	<u>sw</u> 46 38 <u>lwy</u> 6 6	.096	.7568 (p=n.s.)	.00 (weak)
32. Informal discussion of a case with the judge	sw lwy	<u>sw</u> 12 4 <u>lwy</u> 31 33	3.63	.0567 (p=n.s.)	.04 (weak)
33. Scheduling of witnesses	sw lwy	<u>sw</u> 1 <u>lwy</u> 55 46	.830	.3624 (p=n.s.)	.00 (weak)
34. Speaking at pre-trial conference	sw lwy	<u>sw</u> 9 4 <u>lwy</u> 32 33	1.74	.1874 (p=n.s.)	.02 (weak)

**Post-Adjudication.** Two out of the six tasks (33%) under the post-adjudication phase of the child protection proceeding resulted in statistically significant differences. For one third of the tasks, social workers and lawyers had significantly different opinions about who should be taking primary responsibility

for the tasks during this particular phase. *Interpreting court order to child* (Task #35) and *Interpreting court order to parents* (Task #36) rendered statistically significant chi-square values, in respective order ( $\chi^2=10.96$ ;  $p<.01$ ) and ( $\chi^2=4.14$ ;  $p<.05$ ). The cross-tabulation demonstrates that 48 out of 51 social workers (94%) believed that they should have primary responsibility for *Interpreting the court order to the child*. Sixty-eight percent of lawyers agreed and assigned responsibility for this task to the social workers. However, 33% of lawyers believed that the lawyer should have primary responsibility for this task. It is unknown of this 33%, how many lawyers represented the Agency and how many represented parents or children, however, the assumption is that Agency counsel would be more likely to assign responsibility for this task to the social worker. Clearly social workers believe that *Interpreting the court order to the child* is their responsibility, regardless of whether the child is represented or not.

Responsibility for *Interpreting the court order to parents* (Task #36), while yielding a statistically significant difference when comparing the responses of social workers and lawyers, also resulted in quite a different distribution of numbers as demonstrated in the cross-tab (when compared to the cross-tab for *Interpreting court order to the child* - Task #35). Social workers apparently believe that the lawyers have more of a role to play in *Interpreting the court order to parents* than they do in *Interpreting the court order to child*. For Task #36, 25 social workers (56%) believed that they should have primary responsibility for this task while 44% believed that the lawyers should have primary responsibility. Sixty-six

percent of lawyers believed that they should have responsibility for this task while 34% believed that social workers should be responsible for *Interpreting the court order to parents*. While the majority of both social workers and lawyers believe that responsibility for this task should lie with the social worker, a moderate amount of respondents also felt that the lawyers should have primary responsibility for this task; this is unlike the prior task (*Interpreting court order to the child*) where members of both professions were less likely to assign responsibility for this task to lawyers. Once again, this finding could demonstrate that social workers want the ability to protect and/or control how the child protection proceeding impacts on the children.

A majority of both social workers and lawyers believed that responsibility for *Warning parents about violating court order* should be the responsibility of the lawyers ( $\chi^2=2.62$ ;  $p=n.s.$ ). A near-unanimous assignment of responsibility to the social workers was found for *Determining a service plan for the child and family* (Task #38) ( $\chi^2=2.54$ ;  $p=n.s.$ ), *Monitoring the implementation of the court order* (Task #39) ( $\chi^2=1.92$ ;  $p=n.s.$ ) and *Monitoring progress of clients' participation in rehabilitative resources* (Task #40) ( $\chi^2=.551$ ;  $p=n.s.$ ). These findings demonstrate that there is a high degree of clarity and agreement about which professional should have primary responsibility for these tasks. It is logical that the social worker would have primary responsibility for tasks under this phase of the child protection proceeding given that once the court order is interpreted to the pertinent parties, the involvement of counsel, in most cases, ceases. For all of the

tasks listed under the post-adjudication phase of the child protection proceeding, knowing whether the respondent was a social worker or a lawyer, was of little assistance in predicting to which profession they would assign responsibility for each task, that is, the association was weak. Table 12 shows the cross-tabulation of responses from social workers and lawyers for Tasks 35 to 40, the chi-square value and significance, as well as the lambda values.

**Table 12**

**Post-Adjudication Phase of the Child Protection Proceeding:**

**Cross-Tabulation, Chi-Square, and Lambda Results**

Task Number	Cross-Tab	Chi-Square (df=1)		Symmetric Lambda									
		Value	Significance										
35. Interpreting court order to child	<table border="1"> <tr> <td></td> <td><u>sw</u></td> <td><u>lwy</u></td> </tr> <tr> <td>sw</td> <td>48</td> <td>27</td> </tr> <tr> <td>lwy</td> <td>3</td> <td>13</td> </tr> </table>		<u>sw</u>	<u>lwy</u>	sw	48	27	lwy	3	13	10.96	.0009	.18 (weak)
	<u>sw</u>	<u>lwy</u>											
sw	48	27											
lwy	3	13											
36. Interpreting court order to parents	<table border="1"> <tr> <td></td> <td><u>sw</u></td> <td><u>lwy</u></td> </tr> <tr> <td>sw</td> <td>25</td> <td>15</td> </tr> <tr> <td>lwy</td> <td>20</td> <td>29</td> </tr> </table>		<u>sw</u>	<u>lwy</u>	sw	25	15	lwy	20	29	4.14	.0418	.17 (weak)
	<u>sw</u>	<u>lwy</u>											
sw	25	15											
lwy	20	29											
37. Warning parents about violating court order	<table border="1"> <tr> <td></td> <td><u>sw</u></td> <td><u>lwy</u></td> </tr> <tr> <td>sw</td> <td>18</td> <td>12</td> </tr> <tr> <td>lwy</td> <td>22</td> <td>31</td> </tr> </table>		<u>sw</u>	<u>lwy</u>	sw	18	12	lwy	22	31	2.62	.1053 (p=n.s.)	.09 (weak)
	<u>sw</u>	<u>lwy</u>											
sw	18	12											
lwy	22	31											
38. Determining a service plan for child and family	<table border="1"> <tr> <td></td> <td><u>sw</u></td> <td><u>lwy</u></td> </tr> <tr> <td>sw</td> <td>56</td> <td>43</td> </tr> <tr> <td>lwy</td> <td>0</td> <td>2</td> </tr> </table>		<u>sw</u>	<u>lwy</u>	sw	56	43	lwy	0	2	2.54	.1111 (p=n.s.)	.04 (weak)
	<u>sw</u>	<u>lwy</u>											
sw	56	43											
lwy	0	2											
39. Monitoring the implementation of the court order	<table border="1"> <tr> <td></td> <td><u>sw</u></td> <td><u>lwy</u></td> </tr> <tr> <td>sw</td> <td>48</td> <td>47</td> </tr> <tr> <td>lwy</td> <td>2</td> <td>0</td> </tr> </table>		<u>sw</u>	<u>lwy</u>	sw	48	47	lwy	2	0	1.92	.1659 (p=n.s.)	.00 (weak)
	<u>sw</u>	<u>lwy</u>											
sw	48	47											
lwy	2	0											
40. Monitoring progress of clients' participation in rehabilitation resources	<table border="1"> <tr> <td></td> <td><u>sw</u></td> <td><u>lwy</u></td> </tr> <tr> <td>sw</td> <td>55</td> <td>45</td> </tr> <tr> <td>lwy</td> <td>1</td> <td>2</td> </tr> </table>		<u>sw</u>	<u>lwy</u>	sw	55	45	lwy	1	2	.551	.4579 (p=n.s.)	.02 (weak)
	<u>sw</u>	<u>lwy</u>											
sw	55	45											
lwy	1	2											

**Miscellaneous.** One out of the two tasks listed under the miscellaneous heading resulted in statistically significant differences in the responses between social workers and lawyers. Social workers and lawyers have significantly different opinions about who should have primary responsibility for Task #41 - *Organizing and facilitating training related to legal procedures* ( $\chi^2=5.96$ ;  $p<.05$ ). This is a particularly worrisome result if one is to support Weil's (1982) findings which demonstrated that intensive training in court related issues positively impacted on collaboration between the two professionals. Results demonstrated in the cross-tabulation would suggest that social workers and lawyers are at odds about which profession should have primary responsibility for *Organizing and facilitating training related to legal procedures*, although lawyers were more apt to assign responsibility for this task to social workers. Only one social worker assigned responsibility for this task to their own profession. As was mentioned during an interview (to be discussed later in this report), perhaps it is the responsibility of the social workers to organize the training and the responsibility of the lawyers to facilitate such training.

Results as they pertain to *Making referrals to alternative dispute resolution on behalf of client* (Task #42) found that 25 social workers felt that it was the social worker's responsibility, while 18 felt that it was the lawyer's responsibility. Alternatively, 18 lawyers felt that it was the social worker's responsibility, while 18 felt it was the lawyer's responsibility, ( $\chi^2=.52339$ ;  $p=n.s.$ ). Lambda results indicate that knowledge of who the respondent was (i.e., whether the respondent

was a social worker or a lawyer) was of little assistance in predicting to whom they would assign responsibility to for both Task #41 and Task #42. As was the case for many of the other tasks in the questionnaire, the association was weak. Table 13 highlights the results of chi-square and lambda tests, as well as the distribution of responses to Tasks #41 and #42 which are demonstrated in the cross-tabulation.

**Table 13**

**Miscellaneous Phase of the Child Protection Proceeding:**

**Cross-Tabulation, Chi-Square, and Lambda Results**

Task Number	Cross-Tab		Chi-Square (df= 1)		Symmetric Lambda
			Value	Significance	
41. Organizing and facilitating training related to legal procedures	sw	1	5.96	.0147	.13 (weak)
	lwy	7			
42. Making referrals to Mediation or Alternative Dispute Resolution	sw	45	.523	.4694 (p=n.s.)	.00 (weak)
	lwy	33			

**Discussion: Role Agreement and Disagreement**

Russel (1988) noted in her study that although statistically significant differences in opinions between caseworkers and lawyers existed for 18 out of 28 tasks (64%), some of these differences "arose for tasks for which the majority of members of both occupations agreed as to who should assume responsibility for the particular task" (p. 209). She went on to write that the significant differences were with regard to the "number of respondents within the occupational group who shared the opinion as to the role function, not with regard to the direction of

the majority opinion within the group" (p. 209). Russel's findings apply to this study as well. The definition of "role consensus" as provided by Russel (1988) states that "role consensus exists when a majority of case (social) workers and lawyers agree on which occupational group should have primary responsibility for a particular task" (p. 209). Data from this project indicated that role consensus existed for over three quarters of the tasks (76%) listed in the survey questionnaire. Table 14 highlights the tasks which resulted in role consensus in this study and to which occupational group each task belongs as perceived by both social workers and lawyers.

**Table 14**

**Tasks Resulting in Role Consensus**

<b>Social Worker's Responsibility</b>	<b>Lawyer's Responsibility</b>
Recommending psychological/psychiatric assessment	Sharing particulars with opposing counsel
Recommending length of order sought/recommending particular disposition to Court	Preparing affidavits
Notifying parents of apprehension	Filing petitions
Explaining reasons for hearing to parents	Requesting witnesses to testify at court hearing
Preliminary investigation of facts to substantiate allegations	Deciding the content of particulars
Discussing allegations with medical practitioners who may have treated the child	Preparing pre-trial brief
Deciding which cases should be informally disposed of (i.e. child returned home or VPA signed)	Preparing lay witnesses
Determining access arrangements	Preparing a contested court summary
Assessing alternative familial placements	Oral argument
Informing client of community resources for treatment or rehabilitation	Presenting information about allegations in court

Making referrals to rehabilitative resources on behalf of client	Informal discussion of a case with the judge
Assessing parental capacity	Scheduling of witnesses
Presentation of social history information to the court	Speaking at a pre-trial conference
Informing the court of community resources for treatment or rehabilitation	Organizing and facilitating training related to legal procedures
Interpreting court order to child	
Determining a service plan for the child and family	
Monitoring the implementation of the court order	
Monitoring progress of clients' participation in rehabilitative resources.	

Role disagreement, according to Russel (1988) exists when a "majority of both groups want responsibility for the same task" (p. 209). Conclusive role disagreements were found for eight tasks with the majority of the disagreements being over tasks in the pre-adjudication phase of the child protection proceeding. A majority of both social workers and lawyers each wanted to assume primary responsibility for: *Deciding whether child should testify*, *Discussing allegations with police or crown*, and *Informing parents of their rights when their child is taken into care*. Of these three tasks, the most contentious was Task #9 - *Deciding whether child should testify*. Here, 61% of social workers wanted this responsibility and only 15% of lawyers were willing to accord it to them. Role disagreement also exists when "either social workers or lawyers want major responsibility for certain tasks and the other professional wants themselves or 'others' to assume that responsibility" (Russel, 1988, p. 209). Role disagreement in this study could also include "either social workers or lawyers wanting primary

responsibility for certain tasks and the other professional feels the task could be shared between both social worker and lawyer". For *Determining "need of protection"* (Task #27), a majority of social workers (84 %) wanted to assume primary responsibility, but 72 % of the lawyers assigned this task to either themselves or others. A majority of lawyers believed the lawyers should have primary responsibility, but the social workers thought either themselves or "others" should have primary responsibility for four tasks; *Selection of witnesses* (Task #8), *Entering agreements with parents or their counsel* (Task #10), *Interpreting court order to parents* (Task #36), and *Warning parents about violating court order* (Task #37).

The results for two tasks are inconclusive as there was no majority opinion from either the social workers or the lawyers. For example, 45 % of the social workers assigned primary responsibility for *Serving Petition and Notice of Hearing* (Task #4) to others, 25 % assigned the task to lawyers, and 30 % assigned the task to themselves. Forty percent of the lawyers felt that the lawyers should have primary responsibility for this task, 30 % felt the responsibility should fall to the social worker, and the remaining 30 % believed that "others" should bear responsibility for this task. The final task in the questionnaire, *Making referrals to Mediation or Alternative Dispute Resolution on behalf of the client* (Task #42), also results in an absence of a majority opinion from either the social workers or the lawyers. Forty six percent of the social workers believe that Task #42 is their responsibility, 33 % believe it's the lawyer's job, and 20 % believe it to be the

responsibility of "others". Thirty nine percent of lawyers felt that *Making referrals to Mediation or Alternative Dispute Resolution* (ADR) is the social worker's responsibility, 39% felt it was the lawyer's responsibility, and 22% felt that it fell to the "others". Clarification on these two tasks (and others) will be explored further in the following section examining the supplemental, qualitative component of this project.

### **A Qualitative Examination of Interprofessional Collaboration: Interviews with Social Workers and Lawyers**

Each respondent was given the option of participating in a follow-up interview. In total, 18 social workers and 18 lawyers expressed interest in participating in some form of a follow-up interview. One interview was held with each professional group. Thirteen lawyers and 18 social workers were invited to the evening discussion of the survey results and implications and follow-up. In total, three social workers and seven lawyers attended their respective group interviews. All three social workers were from Winnipeg Child and Family Services - East Area. Three lawyers were Agency counsel while the remaining lawyers primarily represented parents or their children. There was one lawyer who noted that he represented a Native Agency, while also representing parents involved with Winnipeg Child and Family Services.

Each participant was required to sign a consent form. Each participant was also asked to complete the "mini" questionnaire (see Appendix E), which was created in an effort to clarify the responses to the "Other" category in the original

survey. There were nine tasks which were selected for inclusion on this second survey. These tasks represented those where the "other" category comprised 15% or more of the total responses in the original questionnaire.

In constructing this follow-up questionnaire, each completed survey was reviewed with the most common responses extracted and included in the list of possible answers to each task. It was explained to both groups that the purpose of completing this questionnaire was for clarification purposes of the "other" category only, given the inconsistency in its use in the original survey. Table 15 highlights which tasks were selected for inclusion on the follow-up mini-questionnaire, as well as summarizing the responses from social workers and lawyers to each of the nine tasks.

Table 15

## Responses to the Follow-Up Mini-Questionnaire

Task	Social Worker (n=3)	Lawyer (n=7)
Serving Petition and Notice of Hearing	Sheriff's officer (n=2) Social Worker (n=1)	Social Worker (n=1) Sheriff's officer (n=5) Other* (n=1) *Designated officer
Determining "Need of Protection"	Social Worker (n=3)	Social Worker (n=1) Shared (n=4) Judge (n=2)
Warning parents about violating Court order	Both (n=1) Lawyer (n=1) Other* (n=1) *Parents lawyer and judge	Social Worker (n=2) Both (n=1) Judge (n=1) Other* (n=3) *Parents' lawyer
Deciding whether child should testify	Both (n=2) Social Worker (n=1)	Both (n=4) Judge (n=1) Lawyer (n=1) Other* (n=1) **Team"
Entering agreements with parents or their counsel	Both (n=3)	Both (n=5) Lawyer (n=2)
Informal discussion of a case with Judge	Both (n=2) Lawyer (n=1)	Both (n=3) Lawyer (n=2) Inappropriate Task (n=2)
Organizing and facilitating training related to legal procedures	Lawyer (n=2) Both and Other* (n=1) * Agency Mgmt	Lawyer (n=4) Both (n=3)
Referral to Mediation or Alternative Dispute Resolution on behalf of client	Lawyer (n=1) Social Worker (n=1) Both (n=1)	Social Worker (n=4) Both (n=1) Other* (n=2) *Parents lawyer **All"
Speaking at a pre-trial conference	Both (n=3)	Both (n=3) Lawyer (n=3) Other* (n=1) **All"

Responsibility for three tasks was clarified by the implementation of the mini-questionnaire. The responsibility for *Serving Petition and Notice of Hearing* (Task #4), *Deciding whether child should testify* (Task #9), and *Entering agreements with parents or their counsel* (Task #10) was clarified. A majority of

both social workers and lawyers felt that *Serving a Petition and Notice of Hearing* should be performed by a sheriff's officer. In *Deciding whether a child should testify* and *Entering agreements with parents or their counsel*, a majority of both social workers and lawyers agreed that this task should be shared between the two professionals. Responsibility for *Making referrals to Mediation or Alternative Dispute Resolution on behalf of client* (Task #42) continues to result in confusion amongst the social workers, as illustrated in Table 15. While a majority (four of the seven) of lawyers believed that the social worker ought to have responsibility for this task, this result does not preclude that the remaining three lawyers remained uncertain whether it should be up to both social worker and lawyer, the parents' counsel, or "all" or "everyone" taking on this responsibility! This finding may be a result of the fact that mediation in local child protection cases is viewed by some as a relatively new option in resolving such matters. It stands to reason then, that there may be some confusion about who does what given its relative recency and infrequent use. The second questionnaire confirms earlier results: the widest discrepancy between social workers and lawyers is around *Determining "need of protection"* (Task #9). Here, three out of the three social workers want responsibility and only one of the lawyers was willing to grant this responsibility to them. In the original questionnaire, 94% of the social workers felt that this was their responsibility, while only 42% of the lawyers were willing to give such responsibility to them.

The primary goal in conducting the actual group interviews and

discussion, was to offer the participants the results of the survey and to explore their perceptions of the implications of this study's results to practice, as well as to examine the possibilities for follow-up and future recommendations. As explained in the methodology section, while a verbatim transcription of the interviews was not possible, notes were taken during both group interviews. Each response was organized according to which question it responded to.

Three questions served as the guideline by which the group interviews were organized. The first question explored the results of the questionnaire. It examined the emergence of statistically significant differences in the responses between social workers and lawyers to 18 out of 42 (43%) tasks and attempted to draw out possible explanations for this finding. The second question explored the possible impact these differences could have on the working relationships between social workers and lawyers. It also explored whether these differences impact on clients and if so, in what ways. The third question sought to identify recommendations which could be developed in an effort to clarify the roles and responsibilities of each profession.

In an effort to address the discrepancies noted in the responses between social workers and lawyers, both occupational groups indicated that interpretation of, and responses, to each task on the questionnaire may depend on a number of variables including, but not limited to, what area of WCFS you worked for if you were a social worker, and whether you represented the Agency or parents/children if you were a lawyer.

**Question #1 - What are some possible explanations for the results of this study?** With these suggestions in mind, the group of social workers thought that the differences in responses between social workers and lawyers could be a result of a variety of influences. Social workers identified that the functions of the two professions emerge from different value bases. Lawyers attributed some differences between the two professions to different principles. The social workers believed that lawyers focus on winning and losing (the case) while social workers focus on the client (the child). The lawyers noted that law is adversarial - social work, conciliatory. Social workers commented that both professions bring their own (different) area of expertise and competence, as well as their own unique backgrounds in the method by which they received their education or training. The group of social workers commented that they felt the profession of law is valued more by society than social work and that this is reflected in several ways (e.g. one glaring example being the concept of time, that is, that a social worker's time is less valuable than a lawyer's). One social worker cited the typical scenario at court when the cases that have counsel involved are heard first while those cases where counsel is not present, or the family is unrepresented, are heard later. When a lawyer is present, she/he will be accommodated first and the social worker will simply have to wait. It is possible to infer that the social worker's time is perceived as less valuable or more expendable than the lawyer's time. An additional reality was expressed by a social worker: a lawyer may know that the matter is adjourned or set down for another date, but no one informs the

social worker. This results in the social worker sitting in court and waiting until someone informs them that the matter is not going to be proceeding. One social worker commented: "it's just a matter of common courtesy" to inform one another of any changes in court dates or times and that this should not necessarily have to come from the Agency counsel, but that the parents counsel and the social worker should be able to communicate on this topic if one party has information that could assist the other and prevent time from being wasted.

Other differences noted by the lawyers was the "shift" in thinking that must occur for social workers when a matter proceeds to Court for resolution. In essence, the social worker wears two hats while a lawyer wears one. The social worker is mandated both to support the family and to protect the child. This reality, while difficult in and of itself, requires the social worker to think as a social worker, and as one lawyer remarked, to then "think as a lawyer" as the case approaches the court. Here, the social worker can encounter fundamental problems and the group of social workers were quick to identify these. First, for most social workers, the court and the legal system is (generally speaking) foreign. The environment is unfamiliar, as are its procedures. Many social workers are intimidated by this fact, and the majority of social workers in the group identified having these feelings at one point or another. They also suggested that the only way in which the feelings of nervousness, intimidation, and trepidation may change is by direct experience. (The social workers also stated that educational efforts around court-related activities could prove useful.

However, as this is not currently available, the only alternative is from on-the-job experience).

The senior social worker in the group suggested that the quality of the social worker's first experience in court contributes toward setting the tone for future cases and overall perceptions of court and contested child protection cases. Should a social worker have a fairly positive experience during their first contested matter and, more importantly, have opportunity to learn the expectations and procedures inherent in such an appearance, they may be less likely to fear their next court appearance. Alternatively, if a social worker views or remembers their first court experiences as negative, as humiliating or embarrassing, they are less likely to feel any increased sense of confidence and may continue to approach the court and lawyers with fear, discomfort, and nervousness. Some social workers may choose to avoid this entire method of resolution and create case plans for families which avoid the court system, lawyers, and the adversarial nature of this experience. It is important to recognize, as one social worker noted, that in doing so they are also avoiding their own feelings. It is equally as important to recognize that the most "senior" workers are not necessarily the workers with the most experience in contested cases, or alternatively, that the less experienced workers have had the least exposure to contested child protection cases.

In addition to the feelings the social worker carries with him or her to the court, the social worker is also required to think differently. As noted by the

lawyers, the social worker's thinking patterns must "shift" during the period of time that a matter is before the court. One lawyer explained that social workers should think of themselves as the "constant variable" in each case. They are involved for the duration, while lawyers are not. In other words, throughout the period of time that the worker is involved with a family, there may be periods of time (at times, extended) when lawyers are involved and other times when a lawyer's involvement in a case is unnecessary. The social worker then, and the way in which a social worker views a case, may change over time. They are required by this reality to be more flexible or fluid in their work. This "shifting" is not required for lawyers who "parachute" in and out and carry only one, time-limited role with their client.

The group of social workers commented that it can be difficult for their thinking style to shift from a social work perspective to a legal perspective. In light of this they may, consciously or unconsciously, resist or resent relinquishing what has been referred to as "control" of a case to a lawyer. Some lawyers in the group took exception to this term and suggested that social workers should "grow up" and become more objective in their work. They reminded social workers that the case is not "theirs" to control. Another lawyer suggested that the legal process runs parallel to the ongoing social work process and that it (legal process) can become more or less active depending on the circumstances of the case. He suggested that it is not a matter of power and control, but rather which process requires being emphasized or activated at varying points in time. Throughout the

lifespan of a case, the intensity of either the social work or the legal processes will rise and fall according to the need.

**Question #2: How do Differences Impact on the Working Relationship between Social Workers and Lawyers? On the client?** When asked to consider how these differences impact on the working relationship between social workers and lawyers and/or the clients, both groups of professionals qualified their answers by stating that each situation is highly individualistic and independent of the other. The group of social workers commented that having a family retain counsel can be of great benefit in some cases and a great hindrance in others, the variable being who they retain as counsel. They went on to comment that the lawyer can do great damage to a relationship between a social worker and a client that is already strained because of the social worker shifting a stance from one of supporting the family to protecting the child. Understandably, the family is mistrustful of the social worker and the family's lawyer's involvement can sometimes serve only to reinforce this position. One of the social workers interviewed also commented that some lawyers can "take advantage" of the worker's lack of experience and use it to their client's benefit resulting in the social worker feeling duped by the lawyer. (Interestingly enough, one of the lawyers commented that his clients regularly feel "duped" by their social worker). These feelings can give rise to hostility between social workers and their clients and between social workers and lawyers, with the client witnessing these dynamics. The social workers stated that wherever possible, they hope for

resolution when parents retain counsel. Sometimes, however, counsel's involvement serves only to polarize the parties, resulting in unnecessary protracted court proceedings. When the lawyers were asked how these differences impact on their working relationship with social workers or the clients, one participant stated that any differences between the two should not impact on the client and that a concentrated effort should be made, wherever possible, to problem solve the issue together.

A particular lawyer reiterated his belief that "two heads are better than one" and that a sharing of ideas can contribute towards the successful resolution of matters prior to a lengthy court proceeding being initiated. He suggested that the splitting, or dichotomization, of tasks was not helpful and that both professionals should actively be sharing tasks for the common good of everyone. He acknowledged that this may be unrealistic in larger Agencies, but that attempts should be made nonetheless. Another lawyer suggested that whenever possible, the use of mediation or a "case management" style of working collaboratively with social workers and clients should be incorporated rather than engaging in the us/them mindset that currently prevails.

Another lawyer commented that when roles and responsibilities are not well defined, the results can be catastrophic, citing a recent WCFS case in which a young infant died. This particular lawyer emphasized the importance of social workers and lawyers being clear about what their job is and that the delineation of roles is absolutely imperative to prevent such tragedies from occurring in the

future. He warned that if we fail to do so, other potential disasters may await us.

**Question #3 - What Recommendations Could be made to Enhance Inter-Professional Collaboration and Identification of Roles and Responsibilities?**

Each group of professionals was asked whether they felt that further efforts need to be made to clarify the roles and responsibilities social worker and lawyers carry with them. If so, they were asked for recommendations about how this task could be accomplished. Both groups identified training as the first initiative to be undertaken although each occupational group had a slightly different focus. The social workers requested hands on tools to assist them in performing court related duties with less anxiety and increased confidence. They wanted "how-to" manuals on giving direct evidence and being cross-examined, expectations in the court room, and definitions of legal "lingo". They requested transcripts of court proceedings and recommended a "how-to" video be created which outlines the "do's" and "don'ts" of court appearances. They also recommended the creation of a "mock" trial with participants from both the social work and legal community re-enacting the child protection proceeding.

Another form of on-the-job education for social workers was suggested by the social workers. This method would consist of having social workers sit in on trials (this is currently an option providing all parties consent) and having lawyers provide the social workers with a critique of the proceedings. The social workers suggested that a committee of social workers, lawyers, and Agency management look to identify the training needs of social workers. They stressed

that the training needs be focused throughout all phases of the child protection proceeding (not just at the pre-trial or trial stage), as an understanding of legal procedures at the initiation of a child protection proceeding can offset potential difficulties during the adjudication and post-adjudication phases.

The social workers interviewed felt that both the University and the Agency should share equal responsibility in ensuring its graduates/employees are sufficiently trained on legal procedures in child protection work. The lawyers also recommended an intensive training program and recognized that neither the University nor the Agency properly addresses this issue. One of the identified goals of such a program would be to assist the worker in understanding, appreciating, and implementing the "shift" in thinking that must occur during contested child protection cases. It was noted that the training also needs to be Agency-specific and that recognition needs to be given to the fact that depending on which Agency you work for, your roles and your responsibilities may change. In agreement with the social workers, lawyers felt that both the University and the Agency bear joint responsibility for properly training its graduates/employees.

Both lawyers and social workers suggested that the Agency could develop a "policy and procedures" manual with input from both social workers and lawyers, in an effort to guide the two professions regarding their respective roles and responsibilities. The group of lawyers suggested that generally, when this measure is implemented, it is as a result of a tragedy and is reactive in nature, thereby pointing to mistakes and miscommunication that led up to its creation.

The lawyers indicated that it is important to remember the aspects of the working relationships between social workers and lawyers that are functional, positive, and can be seen as proactive. These could be included in the manual as well - whatever is working is just as important, if not more, than what is not.

The social workers also discussed the importance of consistency of counsel and applauded the attempts being made to ensure that one lawyer represent the Agency throughout the various hearings at the pre-trial and trial stages of the child protection proceeding. The emphasis placed on legal representation at different phases of the child protection proceeding was raised by one social worker who wondered whether there would be an increase in the resolution of matters if each area had their own counsel, as opposed to one lawyer representing all four areas at the docket phase. She wondered if there was one lawyer per area, then hypothetically, that lawyer would have more time to dedicate to resolving those matters that offer some hope of settlement rather than the matter automatically proceeding to pre-trial, and perhaps later on, to trial. She suggested that if there was a more concentrated effort at the "front-end", more matters would be resolved. Similarly, if the legal fees were directed at the "front-end", thus supporting the significance of potential resolution, would this reduce legal fees for lengthy contested court hearings? She went on to state that this would likely be impossible to implement with the way the Agency's representation is currently structured, simply because of the sheer volume of cases being heard at child protection dockets. The group of social workers concluded by stating

that consistency of counsel is important, knowing what constitutes the respective roles and responsibilities of each profession is important, and that this expectation is more easily accomplished when there is consistency of counsel.

**Written Comments on Interprofessional Collaboration between Social Workers and Lawyers.** Rather than participating in interviews, some respondents took the opportunity (in completing the questionnaire) to offer their own opinions on this study and on social workers and lawyers. What follows is an excerpt of some of the comments by members of both professions.

On the sharing of tasks, one lawyer wrote that if one were counsel for the Agency, many tasks could be shared. However, if one was counsel for the parents few tasks could be shared, as he viewed this as a potential conflict of interest. Another lawyer, on the issue of a lawyer's time-limited involvement with a case, commented under the post-adjudication phase of the child protection proceeding, ". . . the lawyer's work is done once litigation is complete. The social worker's work is probably just beginning". Some lawyers criticized the Agency workers and stated, "Quite frankly, the CFS workers are so overworked, I find they do a poor job of protecting children and of helping parents. I am not impressed." Another lawyer commented, "Many times I feel that social workers give up on parents and have a 'permanent order' mindset that is not swayed by the lawyer's efforts to get the client into treatment and rehabilitation." Two lawyers echoed comments made in the group interview regarding the need for social workers to become more objective: ". . . when workers become too involved in a case they

tend to lose perspective" and ". . . social workers are often too involved with the family and have difficulty being objective as to what is fact and what is supposition". Another lawyer recommended that Agency counsel become more actively involved during post-apprehension, in an effort to "curb the tendencies of some workers to ignore the Act and the rights of parents regarding access".

Several social workers summarized their feelings and commented as follows: ". . . several of these tasks may involve a team approach" and ". . . ideally, there are a number of aforementioned tasks that should be shared (TEAM as opposed to you-me approach) and ". . . not only could many of these tasks be shared - they should be. If time allowed, workers and lawyers should be communicating much more around cases than what presently occurs." Social workers as well took opportunity to criticize the lawyers - primarily Agency counsel. One participant noted, ". . . there should be an ongoing consultative process. Lawyers need to make themselves more available to individual offices". Another social worker stated, ". . . lawyers often take control and don't let social workers talk, and (lawyers) give information that is untrue or make deals social workers are not comfortable with. It should be a collaborative relationship." "Lawyers need to be more proactive in terms of preparations and consultation. Too many lawyers, in my experience, seem as if they do not take CFS issues seriously and tend to fly by the seat of their pants as a result. They tend to make 'deals' more often - tend to plan very little and do next-to-no witness preparation. I tend to feel incredibly unprepared at court except with specific lawyers who are

organized". This same respondent indicated that there "needs to be a process, a credible one, for complaints /concerns/questions regarding lawyers' behaviour and performance at court". Finally, one social worker commented that while the "trial process is highly collaborative between workers and lawyers, on occasion (lawyers) make 'case management requests' which are outside of the lawyers role".

#### **A Qualitative Examination of Interprofessional Collaboration: Discussion.**

It is difficult to state, with any degree of certainty, the lack of attendance by the group of social workers when it came to participating in a group interview. Each and every social worker (N=18) who indicated their desire to participate in a follow-up interview (whether it be an individual or group interview) was invited. Seven indicated that they would attend. One social worker questioned why the interview was not being held during "Agency business hours" and felt that attending the interview during the day would have been much easier, given that many of the people invited had family responsibilities and other commitments during the evening. One social worker wondered whether child care would be available and commented about the geographical location of the interview, suggesting that the unavailability of child care and having the interview conducted at the writer's office in East Kildonan may have served as a deterrent for at least one potential interviewee. It is also interesting to note that none of the three social workers who attended the group interview had children at home and all were colleagues of the writer. This may suggest that perhaps a higher response rate could have been attained by conducting the interview over a lunch

hour, for example. This option was considered, however the writer rejected this idea given that one hour would not be a sufficient amount of time to explore the content viewed as important.

Patton (1990) writes that there may be other factors to consider when examining the area of interviewing. He describes several ethical issues that may arise that should be kept in mind by the interviewer. The first issue asks the questions, "What is in it for the interviewee? Why should the interviewee participate in the interview?" Perhaps the social workers who did not attend the interview felt that they had nothing to gain by attending and that there would be no reimbursement for their time outside of assisting a colleague, who most were unfamiliar with. Patton (1990) challenges the interviewer to consider other factors such as: risk assessment (does participating in the interview put people at risk in any way?), confidentiality issues, informed consent, and data access and ownership. Although Informed Consent Forms were signed prior to the actual interview began, one particular social worker exhibited some anxiety and required reassurance and clarity regarding the manner in which the information gleaned from the interviews would be reported and that the identities of the participants would not be revealed in any fashion in the final report. Given the low response rate, it is not known whether the comments obtained from the three social workers are representative of the perceptions and opinions held by other "front-line" social workers within Winnipeg Child and Family Services. This must be kept in mind when reviewing the responses provided by the group of

social workers.

Despite these limitations, the comments made by the group of social workers hold considerable importance. Their statements, as reported above and in conjunction with comments from the group of lawyers, point to the need for increased collaboration between the two professions.

Possible explanations for the comments provided by the group of social workers and lawyers included variation in principles, values, and foci between the two professions. Perhaps no other example can demonstrate this reality more than in the preparation of a contested child protection proceeding. It is always fascinating, in the writer's experience, to witness the evidence selected for presentation in Court. Inevitably, there will be some instances where what the social worker considers important or significant information to the presentation of a case in court, is disputed or disregarded in full by the lawyer. Notwithstanding the fact that this is the lawyers job, it is always interesting to note the points which give rise to disagreement between social workers and lawyers.

Social workers are especially dependent on Agency counsel to "teach them the ropes" when it comes to court and legal processes, in the absence of formalized training. As was mentioned by one social worker who participated in the group interview and another who chose to provide written comments, the social workers' perceptions of Court and their level of comfort in this environment could be significantly impacted by which Agency counsel prepared

them for their first appearance in a child protection hearing. In this context, the lawyer is indeed a teacher, where certain styles are more influential than others. If one is to support these comments from social workers, it can be a frightening game of Russian Roulette when the "luck of the draw" (currently dependent on Agency counsel's availability) can be one factor in contributing towards long-term perceptions of how social workers view court and the legal processes, as well as the level of comfort by which social workers enter succeeding court hearings.

The importance of professional individuality was identified as a significant factor in interprofessional collaboration by members of both groups. Who the social worker is, which lawyer is representing the Agency counsel, and which counsel is representing the parents or the children can offer considerable influence on how a case is managed and can be a contributing factor in the outcome of a case.

The entire notion of social workers offering voluntary services and being mandated to protect children (i.e., the "wearing of two hats") is a controversial and near-impossible task. The "shift" in thinking described by some lawyers in the group interview is a daily occurrence for most "front-line" social workers, as they vacillate between supporting the family and assessing whether a child is in need of protection. It carries with it significant fluidity in thinking and for some, may occur at an unconscious level - a concept that social workers (in general) are familiar with. There was considerable discussion by the group of lawyers that this "shift" in thinking is a mandatory occurrence. This is an important

statement. Once litigation on a case begins, there is an entirely different set of expectations, rules, and regulations which govern. These are beyond the social worker's expertise. It is this fact that can hinder or polarize members of each professional group. We know that social workers are capable and efficient in the "shift" of thought processes because they do it all the time, however, the challenge rests with the recognition that effective interprofessional collaboration begins by recognizing where one's roles and responsibilities ends and the others begin.

The identification and implementation of a training module for social workers was recommended by both groups. While social workers and lawyers believed that such an initiative would offer an instrumental beginning for an increase in effective and positive collaboration, the focus of the training needs differed from social workers to lawyers. It would appear from the focus group interview with social workers that a specific, detailed, do's and don't's manual, which explicitly outlines what a social worker can expect during a child protection proceeding, would be optimal. Lawyers, on the other hand, felt that training initiatives needed to be directed towards assisting the social worker in understanding, implementing, and appreciating the need for the "shift" in thinking previously discussed. Both groups mentioned the creation of a policy and procedures manual itemizing the roles and responsibilities of social workers and lawyers, however this option was presented as more of a "last resort" option to be undertaken by Winnipeg Child and Family Services if absolutely necessary. It was noted that such action is usually reactive rather than proactive in nature,

stemming from a tragedy and often fails to report the functional, positive qualities that each situation can present with. In making this recommendation in such a hesitant fashion, the writer was struck by the attitudes of both professions. Both social workers and lawyers appeared to present with the belief that training initiatives could improve or mitigate the areas where social workers and lawyers struggle thereby obliterating the need for such a formalized intervention like the creation of a policy and procedures manual. There appeared a shared commitment to addressing problems or concerns while continuing to build on the aspects of the working relationship which were healthy and operational.

The next chapter reviews the purpose of this study, the research hypothesis, and summarizes the results. The findings are explored in terms of implications and recommendations for future research exploring the relationship between social workers and lawyers.

## CHAPTER V

### SUMMARY AND CONCLUSIONS

Three American studies which examined the topic of roles and role identification between social workers and lawyers and the relatively under-researched nature of this topic at a local level, provided the impetus for this project. It was hypothesized that statistically significant differences in the opinions obtained from social workers and lawyers regarding the assignment of roles and responsibilities to tasks pertaining to child protection proceedings would be found. A cross-sectional survey research design was employed to examine the hypothesis.

The questionnaire, adapted most recently from Russel (1988), depicted 42 tasks found throughout the pre-adjudication, adjudication, and post-adjudication phases of the child protection proceeding. These tasks were selected as representative of tasks commonly encountered by social workers and lawyers. The questionnaire was developed, pre-tested and distributed to 114 "front line" social workers and 103 lawyers within Winnipeg, Manitoba during the month of March, 1997. Results indicated that statistically significant differences between the responses of social workers and lawyers existed for 18 out of 42 tasks (43%). The majority of these differences (54%) existed at the "front-end", or at the pre-adjudication phase, of the child protection proceeding.

Direct comparisons between this study and the research conducted in the United States can be made with caution given the variations in the two child

protection systems, the population surveyed, and the questionnaire itself.

However, several observations are noteworthy. Consistent with Russel's (1988) findings, statistically significant differences in the responses between social workers and lawyers in this study were found. Russel (1988) found that differences between responses of the two occupational groups were significant for 64% of the enumerated tasks. The results of this study found 43% of the tasks resulted in significant differences in the responses from social workers and lawyers. Russel (1988) concluded that her findings replicated those of Brennan and Khinduka (1971) who had found a considerable amount of conflict over each other's roles, although Brennan and Khinduka (1971) found the conflict or disagreement existed predominantly at the pre-adjudication and post-adjudication phases of the court proceeding. Russel, on the other hand, found the tasks that generated the most conflict were spread throughout "all the stages of juvenile court cases" (p. 210). The findings of this study would suggest a closer resemblance to the findings of Brennan and Khinduka where the differences were concentrated at the pre-adjudication phase of the child protection proceeding.

Table 16 compares the tasks which were found to result in statistically significant differences in role perception and assignment in Russel's study, to those found in this study.

**Table 16****A Comparison of Statistically Significant Responses:****Russel (1988) and Hutchison (1997)**

<b>Russel (1988)</b>	<b>Hutchison (1997)</b>
Decision regarding emergency custody	*
Informing parents of their rights when child is taken into emergency custody	Informing parents of their rights when their child is taken into care
Requesting authorization to file petition	*
Referring case for criminal prosecution	*
Filing Petitions with Court	Filing Petitions
Deciding on allegations in CHINS (child in need of services) petition	Deciding the content of particulars
Discussing allegations with police	Discussing allegations with police or crown
Explaining reasons for hearing to parents	Explaining reasons for hearing to parents
Selection of Witnesses	Selection of witnesses
Deciding whether child should testify	Deciding whether child should testify
Oral Argument	(p= n.s.)
Entering agreements with parents or their attorney	Entering agreements with parents or their counsel
Out of court discussion with judge	(p=n.s.)
Recommending psychological evaluations	Recommending psychological/psychiatric assessment
Recommending disposition to the court	Recommending length of order sought/particular disposition to the court
Interpreting court order to child	Interpreting court order to child
Interpreting court order to parents	Interpreting court order to parents
Warning parents about violating court order	(p=n.s.)
Presenting information about allegations in court	(p=n.s.)
*	Notifying parents of apprehension
(p=n.s.)	Discussing allegations with medical practitioners who may have treated the child

(p=n.s.)	Deciding which cases should be informally disposed of (children returned home or VPA signed)
*	Determining access arrangements
*	Determining "need of protection"
*	Organizing and facilitating training related to legal procedures

\* Indicates that no comparable task was available in the study.

Twelve of the tasks which resulted in significantly different opinions from social workers and lawyers in Russel's (1988) study also resulted in statistically significant differences in the opinions gathered from the sample used in this study. A comparison of tasks was unavailable in seven instances. There were six tasks where statistically significant results differed from one study to another. These results would seem to suggest that regardless of whether the study is conducted in Winnipeg or Indiana, certain tasks in a child protection proceeding are going to elicit more discord than others.

**Shared Responsibilities in the Child Protection Proceeding**

While it would appear that social workers and lawyers are open to the sharing of tasks in child protection proceedings, (social workers noted that 39 tasks could be shared, while lawyers noted that 38 of the 42 tasks could be shared) fourteen of these tasks resulted in significant variation (differences of 10% or higher) between the percentages of social workers and lawyers who believed that the task could be shared. These tasks are:

**Task #5: *Recommending length of order sought/recommending particular disposition to the court;***

- Task #8: *Selection of witnesses;*
- Task #10: *Entering agreements with parents or their counsel;*
- Task #14: *Discussion of allegations with medical practitioners who may have treated the child;*
- Task #17: *Deciding the content of particulars;*
- Task #20: *Preparing "lay" witnesses;*
- Task #24: *Preparing a contested court summary;*
- Task #27: *Determining "need of protection";*
- Task #29: *Presenting information about allegations in court;*
- Task #34: *Speaking at a pre-trial conference;*
- Task #36: *Interpreting court order to parents;*
- Task #37: *Warning parents about violating court order;*
- Task #41: *Organizing and facilitating training related to legal procedures; and*
- Task #42: *Making referrals to Mediation or Alternative Dispute Resolution on behalf of client.*

Seven of these tasks are located under the pre-adjudication phase of the child protection proceeding, three are located in the adjudication phase, while two are found for tasks under the post-adjudication phase. In addition, both tasks found under the Miscellaneous heading (Tasks #41 and 42), resulted in a difference of 10% or more from the responses of social workers and lawyers when commenting on shared responsibilities in child protection proceedings. Social workers appeared more willing than lawyers to share responsibility for the

following eight tasks: *Selection of witnesses, Entering agreements with parents or their counsel*, (although responsibility for this task was designated as a task which could be shared by all of the social workers and by 5 of the 7 lawyers who completed the mini, follow-up questionnaire), *Deciding the content of particulars, Preparing a contested court summary, Presenting information about allegations in court, Speaking at a pre-trial conference, Interpreting court order to parents, and Warning parents about violating court order*. Lawyers were more likely to share the responsibility for the following six tasks: *Recommending psychological/psychiatric assessment, Discussion of allegations with medical practitioners who may have treated the child, Preparing "lay" witnesses, Determining "need of protection", Organizing and facilitating training related to legal procedures, and Making referrals to Mediation or Alternative Dispute Resolution on behalf of client*. These results suggest that while there is a certain degree of commitment to the concept of sharing tasks in the child protection proceeding, there are some differences in how many social workers and lawyers would be willing to share the responsibilities and which tasks would be shared.

By far, the task which resulted in the most disparity between social workers and lawyers (when commenting on shared responsibilities in the child protection proceeding), was *Interpreting court order to parents* (Task #36). There appears to be disagreement about who should carry primary responsibility for this task when considering the results of the cross-tab (Table 12) and the fact that there existed a 28% difference in the responses from social workers and lawyers

when commenting on shared responsibilities. Confusion also surrounds *Warning parents about violating court order* (Task #37) and *Determining "need of protection"* (Task #27), neither of which were clarified by the use of the follow-up mini-questionnaire. Social workers clearly do not believe that *Determining "need of protection"* should be a shared responsibility, as only 2% of the social workers polled believed that this task could be shared. The cross-tabulation demonstrates that social workers believe that they, and they alone, should have primary responsibility for this task.

To a lesser degree, uncertainty also exists regarding Task #37, *Warning parents about violating court order*. However, the confusion is limited to how many of the professionals were willing to share this task, as 36% of social workers believe it should be shared, while only 13% of lawyers agree. This task did not result in statistically significant differences being found in the responses from social workers and lawyers.

#### **Other Professionals' Involvement in the Child Protection Proceeding**

A number of tasks were identified that could be the responsibility of someone other than the social worker or a lawyer. Members from both occupational groups indicated, in the original questionnaire, that *Serving Petition and Notice of Hearing, Filing petitions, Deciding whether child should testify, Deciding which cases should be informally disposed of, Assessing alternative familial placements, Assessing parental capacity, Determining "need of protection", Warning parents about violating court order, and Organizing and facilitating*

*training related to legal procedures* were tasks which could be performed by others. The task most readily ascribed to someone else was Task #4 - *Serving Petition and Notice of Hearing*, where 29% of social workers and 23% of lawyers thought that this task could be handled by a sheriff's officer, or process server. This finding was confirmed by the mini-questionnaire.

Social workers and lawyers also agreed that *Filing petitions* (Task #7) could be done by a paralegal or filing clerk, and that an independent assessor or "kinship" worker be responsible for *Assessing alternative familial placements* (Task #22). Minor disagreements between the responses of social workers and lawyers were noted in *Deciding which cases should be informally disposed of* and *Assessing parental capacity*. Two social workers felt that *Deciding which cases should be informally disposed of* could be the supervisor's responsibility, while one lawyer felt that this decision should be left up to a judge. Two lawyers felt that the court should have primary responsibility for *Assessing parental capacity* (Task #26), whereas none of the three workers who felt that this responsibility could be carried by another professional, chose the court.

Four of the tasks which social workers and lawyers identified as tasks that could belong to someone other than themselves in the original questionnaire were included in the mini-questionnaire. Results of the mini-questionnaire found that for Task #9 - *Deciding whether child should testify*, a majority of both social workers and lawyers felt that rather than another professional having responsibility for this task, the responsibility should be shared between social

worker and lawyer. For the task, *Determining need of protection* (Task #27), none of the social workers felt that "others" should have primary responsibility for this task, while 2 out of 7 lawyers felt that the judge should have primary responsibility for this task. For *Warning parents about violating court order* (Task #37), one of the social workers felt that this task should be performed by parents' counsel or a judge, while one lawyer felt it was the judge's responsibility and three lawyers felt that it was the responsibility of parents' counsel to carry out this task. For the task, *Organizing and facilitating training related to legal procedures* (Task #41), one social worker felt that it was up to Agency management to share this task with the social worker and the lawyer. None of the lawyers felt that *Organizing and facilitating training related to legal procedures* could be granted to other professionals.

The responsibility that judges or the Court and police officers may have in child protection proceedings was identified by some social workers and lawyers. Lawyers are much more likely to include judges as having a role in child protection proceedings, while social workers are more likely to include the role that the Winnipeg City Police (WCP) may have in child protection. WCP were identified by a small portion of the social workers as carrying responsibility for two tasks in the pre-adjudication phase and one task in the post-adjudication phase of the child protection proceeding. Lawyers identified judges or the Court as having responsibility for six tasks during the pre-adjudication phase, one task in the adjudication phase, and two tasks in the post-adjudication phase of the

child protection proceeding. Social workers, on the other hand, ascribed responsibility to the Judge or Court for one task during the adjudication phase, one task during the post-adjudication phase, and for one miscellaneous task (*Making referrals to Mediation or ADR on behalf of client*). Members of both professions identified that the Court or a judge may have responsibility for *Determining "need of protection"* (Task #27) and *Warning parents about violating court order* (Task #37). Winnipeg City Police was not identified by any of the lawyers as having responsibility for any of the listed tasks in the child protection proceeding.

There is a fair amount of congruence in the responses from social workers and lawyers when looking at the involvement of other professionals in the child protection proceeding. Both professional groups believed that 10 out of the 26 tasks in the pre-adjudication phase of the child protection proceeding could involve other professionals. Although there is some variation in who the other professionals are, the differences in percentages are not significant and do not affect the overall findings of this section. Both social workers and lawyers also agree that one task, and one task only in the adjudication phase (*Determining "need of protection"*), could involve another professional. It is important to note that social workers and lawyers were in unanimous agreement that none of the other tasks listed under this phase should involve other professionals. Responsibility for this phase of the child protection proceeding clearly belongs to either the social worker or the lawyer.

A small percentage of social workers and lawyers believe that some of the tasks under the post-adjudication phase of the child protection proceeding could be assumed by other professionals. However, which tasks could involve other professionals and who the other professionals would actually be, did result in some variation in the responses from social workers and lawyers. There is some recognition by members of both occupational groups that Agency management could have responsibility for *Organizing and facilitating training related to legal procedures* (Task #41).

### **Study Limitations**

While this study succeeded in attaining its research goals and found that the null hypothesis of no difference was accepted for 57% of the tasks and rejected (thereby accepting the research hypothesis) for 43% of the tasks listed on the questionnaire, the results of this study must be examined within the context of the projects limitations.

The exclusion of the "other" category from the chi-square test restricts the interpretation of the results. We know that social workers' and lawyers' opinions differ on who ought to have primary responsibility for 43% of the tasks found in the child protection proceeding. Ambiguity arises on the use of the "other" category, however, as some participants used this category to mean shared responsibilities between social workers and lawyers, while other respondents inferred that "other" meant "other professionals" involvement in the child protection proceeding. It is for this reason that the results of the category

entitled "other" were descriptively reported and were omitted from the statistical analysis. In this regard, a category titled "Both Social Worker and Lawyer" and a category titled "Other Professional" being included in the questionnaire would have assisted in clarifying the participants responses as to who should have primary responsibility for each task. In fact, the suggestion was made to include a category entitled "both" when the questionnaire was pretested. The panel's recommendation was not adopted however, as the inclusion of a category entitled "Both" Lawyer and Social Worker and/or a category entitled "Other Professional" detracted from the whole purpose of this research which was an attempt to delineate which professional is responsible for which task. Despite the lack of standardization in the interpretation of the "other" category, the results offer considerable descriptive context to the findings of this study.

In utilizing the chi-square test, we are unable to draw conclusions on how such variables as gender, which geographical area of WCFS employs the participant, whether the lawyers represent parents or the Agency, years of experience as a "front-line" social worker and lawyer litigating child protection cases, and the average number of appearances/month on child protection matters all likely affect the findings in this study. That is, we are unable to state whether relationships exist between these variables and the statistically significant differences found in the responses from social workers and lawyers.

Given that this study was a cross-sectional survey design, our findings are restricted to the opinions of social workers and lawyers in March, 1997. We do

not have the benefits of a longitudinal analysis where the exploration of whether time (experience) ameliorates the differences in how social workers and lawyers assign tasks found throughout the child protection proceeding.

Response rates in self-administered questionnaires is always a concern, however, a 50% response rate (as this study achieved) was considered adequate for analysis and reporting (Rubin & Babbie, 1989).

Several limitations also exist when examining the supplemental, qualitative component of this study. The extremely low number of participants in the group interview held with the social workers is especially problematic, as it is quite unlikely that the comments obtained from three social workers are sufficiently representative of the perceptions held by all "front-line" social workers in Winnipeg Child and Family Services. It is for this reason that comments made in this section of the report must be interpreted with this limitation in mind. While individual interviews may have supplemented the information gained from the group interview, and mitigated the limitations that resulted from the focus group interview, there were virtually no social workers left to be interviewed, as every social worker who expressed an interest in participating in an interview was invited to attend the focus group interview.

It also would have been preferable to have the focus group interviews with both social workers and lawyers either audio or videotaped. However, due to the level of discomfort expressed by members of both professions, notes were taken by an assistant instead. While I have no doubts about the accuracy of the content

of the interviews as they are reported here, it goes without saying that a verbatim transcription may have captured increased specificity around words, phrases, and non-verbal communication used by the participants. While member checking could have been implemented, this was viewed as impractical and an unnecessary process, given that the qualitative component of this research was secondary to the quantitative analysis.

### **Recommendations**

**Future Studies.** The results of this study suggest that there is considerable room for improvement in the social worker/lawyer relationship, especially as such a relationship pertains to the assignment of roles and responsibilities in child protection proceedings. Further examination on how such variables as gender, which area of WCFS employs the participant, whether the lawyer represents the Agency or the parents/child, years of experience as a "front-line" worker, and years of experience litigating child protection cases as well as the average number of appearances/month on child protection matters affect the assignment of responsibilities to social workers and lawyers should be considered. Pertinent questions may include: Does the degree of difference in the assignment of tasks between social workers and lawyers change with an increase in the exposure of each to contested child protection matters? Does a higher degree of difference exist between social workers and Agency counsel or between social workers and their clients' counsel? Does the Area of WCFS in which social workers are employed impact on who they assign the task to? Is there more

agreement in task assignment when social workers and lawyers are of the same gender?

Some of the comments made by the social workers either in the focus group interview or written comments made on the questionnaire used in this study resemble an additional finding of Weil's (1988) who commented that ". . . negative view (of lawyers) which may result when social workers are involved in court and legal processes without adequate cognitive and experiential preparation" (p.403). This statement points to the importance of the relationship between Agency workers and Agency counsel as it is with these particular lawyers that many social workers encounter their first exposure to child protection proceedings.

Additionally, many of the comments made by social workers about lawyers were directed at Agency counsel rather than opposing counsel, suggesting that relationships between Agency counsel and social workers should be further examined.

The results of this study demonstrated that for 43% of the tasks listed in this questionnaire, social workers and lawyers disagreed on which professional ought to have primary responsibility for each task, but we are not able to draw any conclusions on whether the differences lie between opinions from Agency counsel and social workers or between opinions from opposing counsel and Agency social workers. A follow-up study is one way to determine exactly where these differences lie. Such a study may involve the forwarding of questionnaires

to social workers within WCFS and Agency counsel only (rather than to Agency counsel and counsel representing parents) with the proposed objective being to explore the assignment of roles and responsibilities in child protection proceedings and to test for statistically significant differences. Conducting such a study with various child protection Agencies from across the province and comparing the results of same may prove useful in an overall assessment of the relationships between Agency counsel and Agency workers province wide. Such results could also lead to an examination of the varying structures of Agency legal representation and whether such structures impact on the relationships between social workers and lawyers, particularly as it relates to the assignment of responsibilities in child protection proceedings.

A review of the questionnaire used in this study could also be conducted prior to its use in further research to evaluate whether the structure, organization, or contents emphasize one profession more than the other, and whether these factors influence how participants complete the questionnaire. For example, the words chosen to describe the tasks included in the questionnaire may offer less bias if they are generic or tasks which could be described according to a "lay" person's description of the event rather than the definition offered by either members of the social work or legal profession. That is, the questionnaire should be balanced, its legal and social work "weight" being equally distributed. An illustration of this point as it relates to the questionnaire used in this study may be useful. Task #16, *Requesting witnesses to testify at court*

*hearing*, could be reworded to state: "Who could come to court to tell their story?" thereby de-emphasizing the legal "tone" such a task may hold. Another example may include the rewording of Task #26 from *Assessing parental capacity* to "Whose responsibility is it to determine whether a parent(s) can parent?" thereby de-emphasizing the social work "flavour" that may be perceived by the specific wording used to describe each task. While such revisions may be seen as unnecessary by the researcher who chooses to explore this topic at some future point in time, an examination of the implications of such changes can only be beneficial and will offer additional insight into the credibility of the instrument used to measure the perception of task assignment in child protection proceedings.

**Training.** Members of both professional groups, in the qualitative component of this study, identified the training of social workers in legal procedures as offering considerable promise to enhance interprofessional collaboration. (One lawyer indicated his willingness to being trained on such topics as attachment, effects of abuse and neglect on children, and placement issues. However, it was clear that when the group of lawyers identified training as a recommendation, they meant that the social workers needed to be trained in legal procedures and not the lawyers in social work procedures.) Such an intervention has proven to be effective. Weil (1982) wrote that participants of a training session geared to increase social work students' understanding of problems of interprofessional collaboration with lawyers, and to increase their

knowledge and understanding of the family court and socio-legal aspects of the social welfare system, was successful. She found that the participants' attitudes toward, and understanding of, interprofessional collaboration were stronger. She also found that students involved in the training "exhibited greater ability to define, describe and differentiate the roles and responsibilities of social workers and lawyers operating in social welfare and the family-court system" (p.402).

The results of this study would suggest that while both professional groups view training as an important intervention to enhance relations between social workers and lawyers and clarify task assignment in child protection proceedings, disagreement arises when it comes to the focus of such training initiatives. As was discussed earlier, lawyers refer to the need for training to target the "shift" in thinking (from that of a social worker to that of a lawyer) required in child protection proceedings, while social workers discussed the importance of a positive and prepared initiation into the child protection proceeding via a detailed manual or training module, a video, court transcripts, or a "mock" trial which explicitly demonstrates the do's and don'ts in child protection proceedings. In this writer's experience and opinion, the diverse recommendations from both social workers and lawyers should be adopted, as both topics (i.e., the "shift" in thinking and the functional "details" of child protection proceedings) are inherent in the child protection proceeding, neither of which is more or less relevant or important than the other. Given that the suggestions offered by the social workers represents the opinion of only three professionals, consideration should

be given to the creation and distribution of a "training needs" survey which could be developed with input from a team of social workers and lawyers (much like the "expert panel" approach used to pre-test the questionnaire used in this study). Such a survey would offer all social workers within WCFS an opportunity to identify whether (a) they felt training on legal issues was needed for "front-line" protection workers and if so, (b) what areas of child protection litigation they feel require attention in a formal educational effort, and (c) whether training was needed for Agency counsel on the "realities" of child protection work today and other pertinent topics such as attachment, child abuse and the effects of same, risk assessment, and so on.

The survey could also incorporate those suggestions made by social workers in this study (i.e., the development of a training module, video, or the creation of a "mock" trial) and could be constructed in either an open ended questionnaire, by having the respondent identify the training needs, or a closed ended questionnaire, by having a spectrum of training needs pre-identified and having the respondent select which needs they would see as being relevant. The collection of comments from social workers representing all areas of WCFS is more likely to capture the diverse views social workers may have regarding their training needs, as well as offering an opportunity for a comprehensive assessment on what "needs" or areas should be emphasized or highlighted in training seminars versus those areas where attention may be considerably less.

Once the training needs have been identified, responsibility for *Organizing*

*and facilitating training related to legal procedures* (Task #41) needs to be determined. The results of the survey in this study demonstrate that the majority of social workers and lawyers believe that lawyers should have primary responsibility for this task (i.e., most social workers believe Agency counsel ought to be taking the responsibility for *Organizing and facilitating training related to legal procedures* as it would be unreasonable to assume counsel representing parents would do so). Also, 16% of social workers and 30% of lawyers believe that responsibility for this task should be shared, while a small portion of social workers (5%) and lawyers (2%) believe that Agency management should take responsibility for initiating this task. Comments from social workers and lawyers who participated in the interviews however, suggest that responsibility for workers being trained in legal procedures should lie with the Agency, rather than with Agency counsel. As one lawyer indicated in the group interview, perhaps responsibility for *Organizing and facilitating training related to legal procedures* (Task #41) needs to be divided into two components, that is, perhaps the social workers could take responsibility for organizing the training and the lawyers could facilitate the training. In this situation, both social workers and lawyers would need to collaborate on the content of any training seminar as it would be difficult to organize any event without an appreciation of the content of the material that is to be presented. Whether such collaboration will occur is yet to be seen.

As noted by Russel (1988), ". . . training sessions aimed at role clarification

would be most effective if provided when caseworkers and lawyers first enter the field of child welfare practice" (p.214), thus emphasizing the importance of establishing roles in child protection proceedings as a proactive, rather than reactive, measure. Ideally, it would be preferable to have a committee of social workers, lawyers and representatives from Agency management who are sensitive to legal procedures in child protection work, create the training needs survey and then implement the results in some form of training or other formal educational effort. The offers that periodically surface from Agency counsel to attend the unit meetings of WCFS satellite offices to discuss legal issues and other pertinent topics simply does not give recognition to the fact that fluency in legal procedures is required in child protection work and appropriate training being offered in such procedures would decrease worker anxiety, self-doubt, and outright avoidance of this adversarial process.

There were other bodies or organizations identified by social workers and lawyers which bear some responsibility when it comes to professional training. For example, some members of both focus interview groups wondered what role the University could play in ensuring its graduates are sufficiently trained in child protection work, including court proceedings, especially given the high number of graduates who obtain employment in the child protection field. One social worker in the group interview wondered whether it would be appropriate for the Provincial Government's Child and Family Support Branch to take some responsibility for ensuring its social workers are sufficiently trained in legal

procedures. Another social worker wondered why this particular area was omitted in the Competency Based Training Program. This program is sponsored by Winnipeg Child and Family Services and the Child and Family Support Branch to provide training in the core competencies of child welfare practise. Attendance at the training sessions is mandatory for all social workers employed by Winnipeg Child and Family Services. Although an outline of this initiative indicates that one day of the 14 day inservice is reserved for "legal issues", such a day has yet to be incorporated into this program. This is due to the implementation of significant revisions in order to adapt the curriculum (which is American based) to reflect local procedures and experiences (M. Gazan, Personal Communication, October 21/97). The recommended content outline on legal issues, as provided in the training manual, focuses on two global areas. The first area involves the legal framework for protective services (i.e., the legal basis for intervention, the legal mandate of the child welfare agency, child abuse reporting statutes, etc.). The second area, entitled "The Judicial Enforcement of Protective Services", includes several sub-headings, that is, beginning the process (taking a child into custody), the "reasonable efforts" requirement, adjudicatory hearing, the dispositional hearing, etc. (Rycus, Hughes, & Garrison, 1989). Throughout the recommended outline, there is no discussion on the assignment of roles and responsibilities in child protection proceedings, nor is there any identification of the importance of positive interprofessional collaboration between social workers and lawyers. Only time will tell whether these issues are highlighted topics to be

discussed at a local level.

Although not mentioned by either social workers or lawyers in the focus group interviews, assistance from professional organizations such as the Manitoba Association of Social Workers, the Manitoba Institute of Registered Social Workers, and the Manitoba Bar Association, and what they might offer with regard to the training of members of their profession should be further explored, specifically as such training relates to child protection work.

Whether such educational efforts are effective could be evaluated by conducting a pre- and post test or by the implementation of a pilot project in one area of WCFS and comparing it to a control group of "not formally trained" workers in another area of the Agency to determine if training impacts on how social workers and lawyers perceive their job responsibilities and whether differences of opinion decrease with an increase in the incorporation of training initiatives.

**Other Suggestions.** The results of the focus group interviews indicated a commitment by both social workers and lawyers to addressing difficulties between social workers and lawyers via educational efforts, rather than resolution being imposed through a medium such as the creation of a policy and procedures manual. Such a move was seen to be more of a "last resort" intervention, presumably if it was determined that training efforts were unsuccessful. If such a measure was determined to be necessary, both social workers and lawyers suggested that the Agency could develop such guidelines with input from

**members of both professions. As Russel (1988) noted, ". . . such guidelines would have a better chance of producing role consensus if both caseworkers and lawyers could contribute to their development" (p.214).**

**Continued efforts should be made to ensure consistency of counsel throughout the various stages of the child protection proceeding. An examination of the structure of Agency legal representation (i.e., in-house vs. fee-for-service contracts) is a logical extension of this recommendation as is an exploration of how such structures affect the relationship between social workers and lawyers including the assignment of roles and responsibilities in child protection proceedings.**

**Russel (1988), Weil (1982), and Johnson and Cahn (1993) suggest that interprofessional conflict between social workers and lawyers contributes to poor service delivery to parents and children. Although this topic is beyond the scope of this study, further evaluation into how differences between the two professions impact on families could offer valuable insight into service improvements. While this needs to be examined in more depth, it is of interest to note the comments of one lawyer who stated that mistaken identification of roles and responsibilities can contribute towards the most catastrophic result of all - the death of a child. If we do not recognize the importance of improving interprofessional collaboration (including how we assign responsibility for tasks found in the child protection proceeding), for our own benefit, surely we must recognize the importance and the impact such relationships have on the families and children**

who are the beneficiaries of our services.

There is much to be gained from the positive collaboration between social workers and lawyers. Given the stakes in child protection proceedings, concentrated endeavors must be implemented to ensure the social worker/lawyer partnership is functioning to the best of its ability. One factor which is likely to contribute to increased effective collaboration between the two professions is an increased understanding and clarity of each regarding the roles, tasks, methods, and capacities of the other. This study is intended to provide a beginning step, an articulation of a "base line", of current perceptions and understandings between the professions at a local level. Bernstein (1980) reminds us that strong, cooperative working relationships between social workers and lawyers result in the "best interests of all being served. The time has come to implement this concept and bring about a humanistic unity, one that brings forth the best in both professionals" (p.422).

## References

Babbie, Earl R. (1975). The Practice of Social Research. Belmont, CA: Wadsworth Publishing Inc.

Bailey, T.F., & Bailey, W.H. (1986). Operational Definitions of Child Emotional Maltreatment. National Centre on Child Abuse and Neglect. Washington, D.C.

Bala, N., Hornick, J.P., & Vogl, R. (1991). Canadian Child Welfare Law. Toronto: Thompson Educational Publishing Inc.

Bell, C. (1975-76). Legal Consultation for Child Welfare Workers. Public Welfare, 33-34, 33-40.

Berg, B.L. (1996). Qualitative Research Methods for the Social Sciences. Nedham Heights, MA: Allyn & Bacon.

Bernstein, B.E. (1980). Lawyer and Social Worker as an Interdisciplinary Team. Social Casework, 61(7), 416-422.

Blishen, J. A. (1991). Representing the Agency. In N. Bala et al. (Eds.), Canadian Child Welfare Law. (pp. 214-223). Toronto: Thompson Educational Publishing Inc.

Brennan, W.C., & Khinduka, S.K. (1971). Role Expectations of Social Workers and Lawyers in the Juvenile Court. Crime and Delinquency, 17, 191-201.

Bullock, S. (1984). The Helping Professions - Law and Social Work. Australian Law Journal, 58, 333-339.

Cahn, K., & Johnson, P. (Eds.). (1993). Children Can't Wait: Reducing Delays in Out-Of-Home Care. Washington, DC: The Child Welfare League of America.

Chambers, R., Simon, F., Schnoor, J., Curtis, A., & Boyes, J. (1997). MASW/MIRSW Response to the Child and Family Services Act Review. Manitoba Social Worker, 28(4), 5-7.

Constitution Act, 1982 [en. by the Canada Act 1982 (U.K.), c.11, s.1], pt 1 (Canadian Charter of Rights and Freedoms).

Compton, B.R., & Galaway, B. (1989). Social Work Processes. Belmont, CA: Wadsworth Publishing Company.

Craft, J.L., & Clarkson, C.D. (1985). Case Disposition Recommendations of Attorneys and Social Workers in Child Abuse Investigations. Child Abuse and Neglect, 9, 165-174.

Dickson, D.T. (1976). Law in Social Work: Impact of Due Process. Social Work, 21, 274-278.

Farley, B. (1993). Effective Practices: Changing a System to Change a Child's Life. In K. Cahn & P. Johnson (Eds.), Children Can't Wait: Reducing Delays in Out-of-Home Care (pp. 75-104). Washington, DC: Child Welfare League of America.

Ferruggia, R. (1986). Attorneys and Social Workers: A New Alliance. In E. Payne The Social Worker In The Legal Setting (pp.1.) Masters Thesis, University of Manitoba, Winnipeg, Manitoba, Canada.

Fineman, M. (1988). Dominant Discourse, Professional Language, and Legal Change in Child Custody Decisionmaking. Harvard Law Review, 101(4), 727-774.

Fogelson, F.B. (1970). How Social Workers Perceive Lawyers. Social Casework, 51, 95-101.

Goldstein, J., Freud, A., & Solnit, A.J. (1979). Beyond the Best Interests of the Child. New York, NY: The Free Press.

Herring, D. (1993). The Michigan Agency Attorney Project. In K. Cahn & P. Johnson (Eds.), Children Can't Wait: Reducing Delays in Out-of-Home Care (pp.13-38). Washington, DC: The Child Welfare League of America.

Jackson, W. (1988). Research Methods: Rules for Design and Analysis. Scarborough, ON: Prentice Hall Canada Inc.

Johnson, P., Day, P., & Cahn, K. (1993). Interagency Collaboration: System Improvement for Planning Permanence. In K. Cahn & P. Johnson (Eds.), Children Can't Wait: Reducing Delays in Out-of-Home Care. (pp. 105-128). Washington, DC: The Child Welfare League of America.

King, M. (1991). Child Welfare Within Law: The Emergence of a Hybrid Discourse. Journal of Law and Society, 18(3), 303-322.

King, M., & Garapon, A. (1987). Judges and Experts in England and Wales and in France: Developing a Comparative Socio-Legal Analysis. Journal of Law and Society, 14(4), 459-474.

King, M., & Piper, C. (1995). How the Law Thinks About Children. Brookfield, VT: Ashgate Publishing Company.

Lau, J. A. (1983). Lawyers vs. Social Workers: Is Cerebral Hemisphericity the Culprit. Child Welfare, LXII(1), 21-29.

Levin, J. & Fox, J.A. (1994). Elementary Statistics in Social Research. New York, NY: Harper-Collins College Publishers.

Lutz, G. M. (1983). Understanding Social Statistics. New York, NY: MacMillan Publishing Co.

Masson, J. (1989). The Role Of The Law In Social Work With Children. Cambrian Law Review, 20, 38-53.

Mueller, E.E., & Murphy P.J. (1965). Communication Problems: Social Workers and Lawyers. Social Work, 10, 97-103.

Norusis, M.J. (1992). SPSS/PC+ base system user's guide, version 5.0. Chicago: SPSS.

Patton, M.Q. (1990). Qualitative Evaluation and Research Methods. Newberry Park, CA: Sage Publications, Inc.

Payne, E.J. (1986). The Social Worker in the Legal Setting. Master's Thesis, University of Manitoba, Winnipeg, Manitoba, Canada.

Ratterman, D. (1993). Changing Agency Procedures. In K. Cahn and P. Johnson (Eds.), Children Can't Wait: Reducing Delays in Out-of-Home Care. (pp.39-74). Washington, DC: The Child Welfare League of America.

Ronnau, J., & Poertner, J. (1989). Building Consensus among Child Protection Professionals. Social Casework, 70(7), 428-435.

Rubin, A. & Babbie, E. (1989). Research Methods for Social Work. Belmont, CA: Wadsworth, Inc.

Russel, R. (1988). Role Perceptions of Attorneys and Caseworkers in Child Abuse Cases In Juvenile Court. Child Welfare, LXVII(III), 205-216.

Rycus, J.S., Hughes, R.C., & Garrison, J.K. (1989). Family-Centered Child Protective Services - A Training Curriculum. Columbus, OH: Institute for Human Services.

Scherrer, J.L. (1976). How Social Workers Help Lawyers. Social Work, 21(4), 279-283.

Sloane, H. (1967). Relationship of Law and Social Work. Social Work, January, 86-94.

Smith, A.D. (1970). The Social Worker in the Legal Aid Setting: A Study of Interprofessional Relationships. Social Service Review, 44, 155-168.

Steinhauer, P.D. (1991). The Least Detrimental Alternative. Toronto: University of Toronto Press.

Streiner, N. (1986). PDQ Statistics. Burlington, ON: B.C. Decker Inc.

Tutty, L.M., Rothery, M.A., & Grinnell, Jr., R.M. (1996). Qualitative Research Methods for Social Workers. Boston: Allyn & Bacon.

Weil, M. (1982). Research on Issues in Collaboration between Social Workers and Lawyers. Social Service Review, 56, 393-405.

Weinbach, R.W., & Grinnell, R.M. Jr. (1987). Statistics for Social Workers. New York: Longman Inc.

Wilkes, J.R. (1992). Children In Limbo: Working For The Best Outcome When Children Are Taken Into Care. Canada's Mental Health, June, 1-5.

Wright, Susan E. (1986). Social Science Statistics. Newton, MA: Allyn & Bacon Inc.

Zuefle, H. (1997). Report of the Child and Family Services Act Review Committee on the Community Consultation Process, Winnipeg, Manitoba.

**Appendix A**

# SOCIAL WORKERS, LAWYERS and the CHILD PROTECTION PROCEEDING

## Instructions for Completing the Questionnaire:

This Questionnaire is divided into three components. Part I attends to demographic details. Part II is sub-divided into four sections, identified as the Pre-Adjudication, Adjudication and Post-Adjudication phases of a child protection proceeding, as well as a "Miscellaneous" section, where two additional tasks are listed. Part III asks for your consideration to participate in a follow-up interview.

In reviewing each of the 42 tasks, you are asked to select which professional has primary responsibility for that particular task. **YOU ARE ASKED TO RESPOND NOT ACCORDING TO WHAT MAY BE THE CURRENT PRACTICE OF YOUR OWN EXPERIENCES, BUT RATHER, IN AN IDEAL WORLD, TO WHICH PROFESSIONAL THE TASK OUGHT TO BELONG.**

Please note "Court" refers to appearances at either Docket, Pre-Trial(s) and/or Trials.

## PART I

IF YOU ARE A SOCIAL WORKER, PLEASE COMPLETE SECTION A.

IF YOU ARE A LAWYER, PLEASE COMPLETE SECTION B.

### **Section A:**

Gender: _____ Male _____ Female
What area of W.C.F.S. do you presently work in?
Central _____ NW _____ East _____ SW _____
Years of experience as a "front-line" protection worker: _____
Over the past six months, with what frequency would you appear in Court?
_____ Less than 2 appearances/month _____ 2-5 appearances/month _____ 6-10 appearances/month
_____ 11-15 appearances/month _____ 16-20 appearances/month

### **Section B:**

Gender: _____ Male _____ Female
Are you: _____ Agency Counsel _____ Parent/Child Counsel
How many years have you been practicing law? _____
How many years have you been litigating child protection cases? _____
Are you currently litigating child protection cases? _____ Yes _____ No
If yes, please continue. If no, have you litigated a child protection case in the past 10 years? If yes, please continue. If no, please stop now and return this Questionnaire in the self-addressed, stamped envelope. Thank you.
Over the past six months, with what frequency would you appear in Court on <u>child protection matters</u> ?
_____ Less than 2 appearances/month _____ 2-5 appearances/month _____ 6-10 appearances/month
_____ 11-15 appearances/month _____ 16-20 appearances/month

## **PART II**

Please keep in mind while completing this Questionnaire that you are asked to respond according to the ideal. It may be of some benefit to ask yourself the following question before choosing your answer: "Ideally, who should have primary responsibility for ....?"

PLEASE CHOOSE ONLY ONE FOR EACH OF THE FOLLOWING TASKS:

	Social Worker	Lawyer	Other (please specify)
<b><u>Part A - Pre-Adjudication</u></b>			
1. Recommending psychological/psychiatric assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
2. Sharing particulars with opposing counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
3. Preparing affidavits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
4. Serving Petition and Notice of Hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
5. Recommending length of order sought/ recommending particular disposition to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
6. Notifying parents of apprehension	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
7. Filing Petitions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
8. Selection of witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
9. Deciding whether child should testify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
10. Entering agreements with parents or their counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
11. Discussing allegations with police or crown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
12. Explaining reasons for hearing to parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
13. Preliminary investigation of facts to substantiate allegations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
14. Discussion of allegations with medical practitioners who may have treated the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
15. Deciding which cases should be informally disposed of (i.e. child returned home or VPA signed)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
16. Requesting witnesses to testify at court hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
17. Deciding the content of particulars	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
18. Informing parents of their rights when their child is taken into care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

	Social Worker	Lawyer	Other <small>(please specify)</small>
19. Preparing pre-trial brief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
20. Preparing "lay" witnesses, i.e. foster parents, character witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
21. Determining access arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
22. Assessing alternative familial placements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
23. Informing client of community resources for treatment or rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
24. Preparing a contested court summary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
25. Making referrals to rehabilitative resources on behalf of client	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
26. Assessing parental capacity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

In your opinion, are there any tasks in the Pre-Adjudication Phase of a child protection proceeding which could be shared between the social worker and the lawyer? Please comment:

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**Part B - Adjudication**

27. Determining "need of protection"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
28. Oral argument	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
29. Presenting information about allegations in court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
30. Presentation of social history information to the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
31. Informing the court of community resources for treatment or rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
32. Informal discussion of a case with the judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
33. Scheduling of witnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
34. Speaking at pre-trial conference	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____



### **PART III**

#### **Interviews**

*Interviews will be held with a small group of voluntary participants. The purpose of the interviews will be to provide feedback on the results of the survey and obtain suggestions concerning implications and follow up. If you are interested in participating in an interview, please select whether you would prefer to be interviewed individually or in a group with other members of your profession.*

*Please be assured that this page of the Questionnaire will be detached and forwarded to me in a separate envelope by Ms. Green. In doing so, I will be unable to identify your responses in the survey.*

\_\_\_\_\_ *No, I do not wish to participate in any form of an interview.*

\_\_\_\_\_ *Yes, I, \_\_\_\_\_ am interested in participating in a*  
\_\_\_\_\_ *group interview \_\_\_\_\_ individual interview. I can be reached during the*  
*day at \_\_\_\_\_ or during the evening at \_\_\_\_\_.*

*Thank you for taking the time to complete this Questionnaire.*

**Appendix B**

**RESEARCH ETHICS COMMITTEE APPROVAL CERTIFICATE**

**Faculty of Social Work  
University of Manitoba  
Winnipeg, Manitoba.**

**To: B. HUTCHINSON.**

**November 14, 1996.**

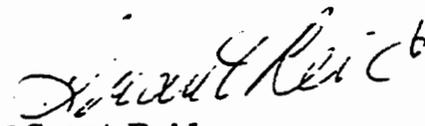
**YOUR PROJECT ENTITLED *Social Workers & Lawyers: A Study of Interprofessional Collaboration Within a Local Child Protection Agency* HAS BEEN APPROVED BY THE RESEARCH ETHICS COMMITTEE ON November 14, 1996.**

**CONDITIONS ATTACHED TO THE CERTIFICATE:**

- 1. You may be asked at intervals for a progress report.**
- 2. Any significant changes of the protocol should be reported to the Chairperson of this Committee so that the changes can be reviewed prior to their implementation.**
- 3. If research data is being solicited at the 'third phase' of the study; written, informed consent is required from all participants.**
- 4. All consent forms must include the following statement:**

**"While all possible efforts will be made to maintain confidentiality with respect to the identities of the participants, there is a slight possibility that an informed reader may be able to identify a respondent."**

**Yours truly,**

  
**Grant Reid**

**Chair**

**Research Ethics Committee.**

**(204) (474-8455).**

**Appendix C**

**Consent Form**

I understand that "Social Workers, Lawyers, and the Child Protection Proceeding" has been undertaken by Bev Hutchison to fulfill the requirements toward obtaining a Masters degree in Social Work. The study is an endeavour to determine the degree in which social workers and lawyers agree (or disagree) on who ought to have primary responsibility for a variety of tasks currently performed throughout the phases of a child protection proceeding.

On my completed questionnaire, I indicated a desire to receive feedback on the results of this study and engage in a dialogue with the researcher to offer suggestions concerning implications and follow up. In doing so, I understand that the researcher, Bev Hutchison, has been unable to connect my responses on the questionnaire to me.

My participation in the interview is fully voluntary and I am free to withdraw from the interview at any time. Disclosure of the specific identities of clients, social workers or lawyers will not be permitted.

I understand that while all possible efforts will be made to maintain confidentiality with respect to the identities of the participants, there exists a slight possibility that an informed reader may be able to identify a respondent.

I have been informed about and agree to participate in the interview.

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**Witness**

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**Participant**

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**Date**

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**Date**

**Appendix D**

## **Cover Letter**

**Dear Participant:**

**I am seeking your voluntary and confidential participation in a research project to examine the understanding of lawyers and social workers of their respective roles and responsibilities in child protection proceedings. The results of this study will be used to promote greater awareness of similarities and differences in expectations, and how more effective collaboration can be encouraged.**

**This study is being undertaken as a thesis project for my Masters degree in Social Work, and has been approved by the Ethics Committee at the Faculty of Social Work at the University of Manitoba. The study is being conducted with approval from the Faculty of Law at the University of Manitoba and the Chief Executive Officer of Winnipeg Child and Family Services.**

**The enclosed survey is being sent to approximately 100 social workers and lawyers whose names have been identified as having had experience in child protection proceedings. The questionnaire was developed with input from a small group of lawyers and social workers and only requires between 15 and 20 minutes to complete. All responses to the survey are anonymous, and data will be compiled and presented in aggregate form solely for this study.**

**In addition to the questionnaire, interviews will be held with a small group of participants to provide feedback on the results of the survey and obtain their suggestions concerning implications and follow-up. Please indicate on the final page of the questionnaire whether you are interested in participating in an interview or not. Should a large number of people wish to be involved in the interview phase of the study, a random selection process will be utilized.**

**The return of the questionnaire in the enclosed self-addressed envelope constitutes your consent to participate. You will note that it is mailed to Ms. Cheryl Green - an out of province research associate. Ms. Green is responsible for the distribution, collection and forwarding of the completed questionnaires to me through procedures which guarantee the anonymity of respondents. She is also responsible for assigning the code found on the upper right hand corner on the first page of your questionnaire. This code is to ensure that each participant receives a questionnaire, that there are no duplications in respondents and for purposes of distributing follow-up letters to those persons whose questionnaires are not returned. Please be assured that this code does not allow me to identify you or your responses to the survey. Aside from these duties, Ms. Green is, in no other way involved in, or affiliated with the study.**

**Your participation is important in ensuring that the results of the study is sufficiently representative of social workers and lawyers in Winnipeg. Please detach this cover letter and mail your completed questionnaires as soon as possible. It would be most helpful if I received responses by April 9, 1997. While I hope you will participate, if you choose not to do so, please return your uncompleted questionnaire in the enclosed envelope.**

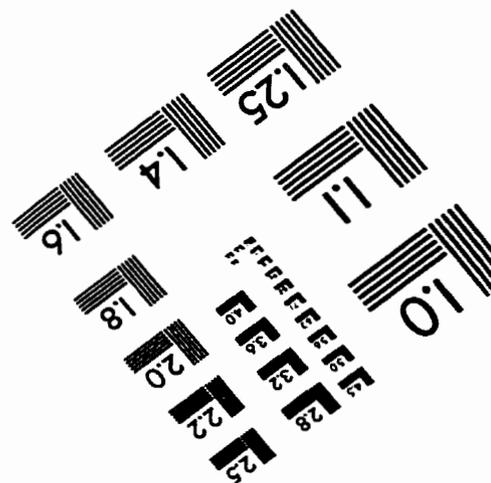
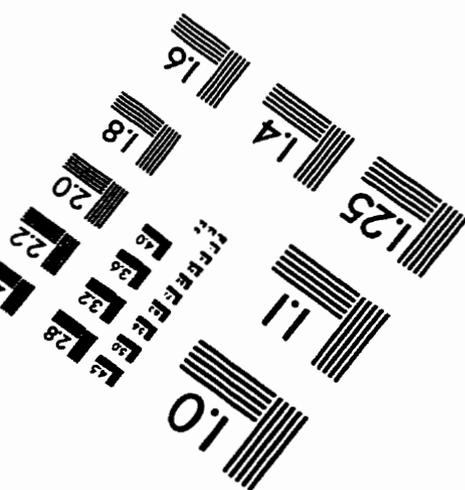
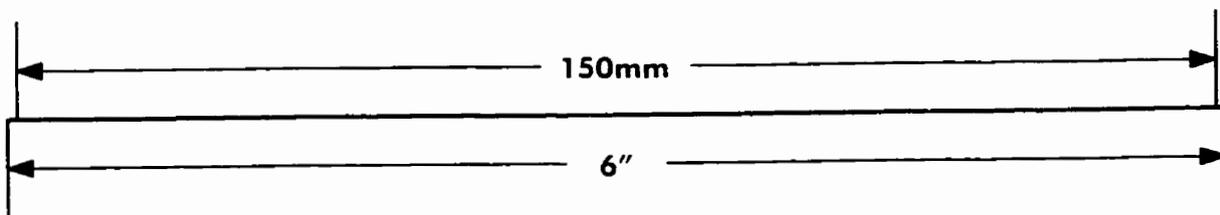
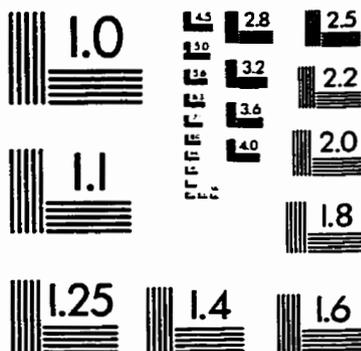
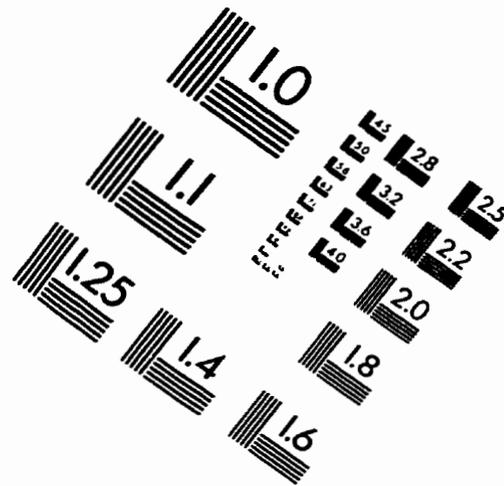
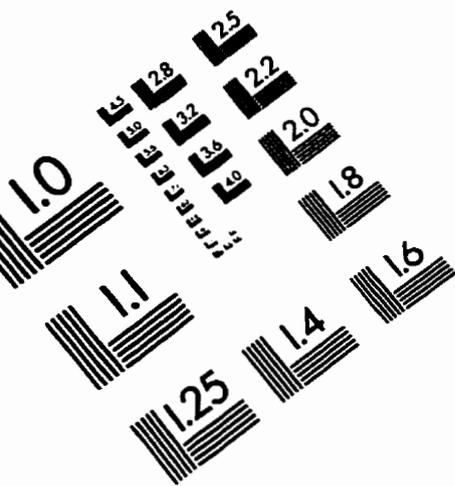
**If you have any questions about this study, please do not hesitate to call me at 944-4320. Thank you for your anticipated cooperation.**

**Bev Hutchison  
Graduate Student**

**Appendix E**



# IMAGE EVALUATION TEST TARGET (QA-3)



APPLIED IMAGE, Inc  
1653 East Main Street  
Rochester, NY 14609 USA  
Phone: 716/482-0300  
Fax: 716/288-5989

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