

Pointers for Legal Professionals Regarding Family Law Issues and Parents with Physical or Mental Illness

- ♦ Most parents will have a significant physical or mental illness at some time in their life.
- ♦ Accurate assessment of parenting skills cannot be achieved by making a diagnosis of a physical or mental illness alone.
- ♦ Accurate assessment of parenting skills cannot be achieved by the presence of hospitalization due to a physical or mental illness
- ♦ Prognosis for individuals with the same physical or mental illness diagnosis varies dramatically.
- ♦ Most individuals with severe mental illness experience symptom-free periods and have the potential to recover fully.
- ♦ Full assessment of parenting capabilities should be completed when parenting behaviors indicate significant parenting deficiencies.
- ♦ Safe home environment, social and financial resources, communication skills, parent-child attachment, acknowledgment of parenting problems, and help seeking, are all factors that can impact an individual's capacity to parent adequately.
- ♦ Parenting capability factors are interactive. Each risk factor varies in significance when viewed in the light of all other risk or protective factors. Adequate assessment of parenting requires a multifaceted perspective, whereby risk and protective factors are considered simultaneously.
- ♦ The level of risk that any given factor poses will also depend upon whether a parent can learn from their parenting experience, and be realistic in their appreciation of past parenting successes and failures.
- ♦ Decisions regarding custody and visitation should ensure the best interests of the child, appreciate the importance existing parent-child bonds to the child's emotional and psychological development, and protect the child's interest in future contact with parents.