

# Making Plans

A guide to parenting arrangements  
after separation or divorce

*How to put your children first*



Aussi offert en français sous le titre :

*Faire des plans — Guide sur les arrangements parentaux  
après la séparation ou le divorce*

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# Introduction



**P**arenting is one of the most important jobs you'll ever have. Your children are depending on you to guide them to adulthood. You want to do what's best for them.

Parenting can be difficult, even when parents live together. After separation or divorce, parenting can be more challenging. But your children's basic needs don't change. They still need security, stability and nurturing.

## Is this guide for me?

This guide is for parents. It contains helpful information about parenting after separation and divorce.

You can use this guide if you're making **parenting arrangements** under the *Divorce Act*. "Parenting arrangements" are the arrangements parents make for the care of their children after a separation or divorce. This includes arrangements about where the children will live, where they will go to school, their religious education, their medical care, their after school activities and so on.

This guide may still be useful to you even if the *Divorce Act* does not apply to your situation. The basic decisions that you have to make about parenting arrangements are similar whether you're separating or divorcing.

You may also find this guide helpful if a family member with children is separating or divorcing (for example, if you are a grandparent).

This guide talks about

- how to decide on the best parenting arrangement for your children
- what processes you can use to come to a parenting arrangement
- what you (parents) may be feeling
- what your children may be feeling

The federal *Divorce Act* generally applies when divorcing parents need to settle issues related to parenting arrangements. Provincial and territorial laws apply regarding parenting arrangements when unmarried parents separate or when married parents separate and do not pursue a divorce.

If your children are between the ages of nine and twelve, you may want to suggest that they read the Department of Justice Canada publication *What happens next? Information for kids about separation and divorce*. To see a copy, visit [www.justice.gc.ca](http://www.justice.gc.ca), click on “Family Law” then “Custody and Parenting” and then “Help for Kids.”

### **If you’re worried about safety**

If you or your children have been abused or feel unsafe around the other parent, you need to put safety first. Children who are abused can have long-term physical or mental health problems. This is also true for children who see or hear abuse between other family members.

If you’re concerned about your safety or your children’s safety, see *Section 6: Special Issues*, for more information on **family violence**. You should also note that some of the information in this guide may not be appropriate in your case.

Help is available. You can find links to resources related to safety in the *Directory of Resources* at the end of this guide.

## **How do I use this guide?**

It may be helpful to read this guide from beginning to end—it contains lots of useful information.

Or you can just read the sections that you need. Each section can be read on its own.

Each family is different. Some of the information in this guide may not apply to you and that’s O.K.

You can also use this guide to help you complete a **parenting plan**. A parenting plan is a written document that parents make to outline the parenting arrangements for their children.

There is a *Directory of Resources* at the end of this guide that has useful websites and contact information.

## Court is the last resort

When relationships end, most parents agree on how they will parent their children without going to court. It's generally best for everyone—especially children—when parents can agree. Asking a judge to make the decisions for you can be costly, time-consuming and stressful for everyone.

But, in some situations, you may have to go to court. For example, if you have concerns about safety and you need a **court order** for protection.

## Who can help me?

There are many people who can help you agree on parenting arrangements. For example, **mediators, counsellors** and accountants often work with parents. Also, every province and territory offers services for separating or divorcing parents, including parent information programs. To see a list of these services, visit [www.justice.gc.ca](http://www.justice.gc.ca). Under “Family Law,” click on “Family Justice Services.”

For more information on who can help, please see the *Directory of Resources*.

## Do I need legal advice?

This guide has general information about parenting after separation or divorce. It doesn't provide legal advice.

Family law issues can be complex. A family law lawyer can give you legal advice about all the different factors that are important in your situation. When you are developing a parenting plan, it's important to speak with a family law lawyer to make sure you understand

- your legal rights and responsibilities
- options for resolving differences between you and the other parent
- how the court system works

## What if I can't afford a lawyer?

- You may wish to contact your local legal aid office to see if you qualify for legal aid. You can search the Internet for “legal aid” and your city or area. For example, search “legal aid” and “Alberta.”
- If you don't qualify for legal aid, you may wish to contact a lawyer referral service. To see a list of these services, visit [www.justice.gc.ca](http://www.justice.gc.ca) and search under “Helpful Links” at the bottom of the page.



## **What if I have more questions?**

If you have questions this guide doesn't answer, you can find more information under "Family Law" on the Department of Justice Canada website at [www.justice.gc.ca](http://www.justice.gc.ca). You can also call the Department's Family Law Information Line at 1-888-373-2222.

You can also contact a provincial or territorial public legal education and information (PLEI) organization. PLEI organizations provide information to the public about many different areas of law, including family law. To see a list of these organizations, visit [www.justice.gc.ca](http://www.justice.gc.ca) and search under "Helpful Links" for "Public Legal Education and Information."



# Section 1

*What you may be feeling*



**W**hile there are many practical and legal decisions you need to make after separation or divorce, you will also be feeling a range of emotions.

This section talks about some of the things you may be feeling. To learn more about how your children may react to divorce or separation, see *Section 2: What Your Children May be Feeling*.

Relationships end for many reasons. No matter why your relationship ended, you may find separation difficult and emotional. At times, your emotions may be so strong that you find it hard to deal with legal issues. But things will get better.

Your life will change after separation or divorce. Some things may change right away. Other things may change later.

## **Separation and your emotions**

Separation is the loss of an important relationship. And it probably isn't what you had planned for your life. As a result, you may be feeling many different emotions.

Strong emotions are natural. Your feelings may vary from anger, fear, jealousy, anxiety, sadness, uncertainty, guilt, shame and loneliness to relief, excitement, hope and even happiness.

You may find that you swing from one emotion to another. Or, you may feel some emotions longer than others. This is normal and it will get better over time.

### ***Stages of Grief***

Here are some of the things you may be feeling as you work through your grief. You may go through all of these stages, or only some of them. You may go through them in a different order than listed here. Or you may move back

### **Remember ...**

*Until you feel better, it's important to try and deal with your emotions in ways that set a good example for your children. It will help you and your children adjust to the changes in your life.*

*For example, even if you're angry, don't criticize your former partner in front of your children. Find other outlets for your anger, like physical activity or counselling.*

and forth between the stages. Whatever you feel, it's important to know that these feelings generally won't last.

You and your former partner will likely go through these emotions at different times. Usually, the partner who decides to end the relationship goes through them sooner because they started grieving earlier.

## **DENIAL**

- This is just a temporary thing*
- We aren't really getting a divorce*
- They'll change their mind*

Denial is a natural self-defence mechanism. We use it to protect ourselves from traumatic events in our lives. With time, denial can change to acceptance.

## **ANGER**

- This is all your fault*
- I don't deserve this*
- Things are better for you than they are for me*

Anger is a normal reaction to the end of a very important relationship in your life. Sometimes, anger can help hide a sense of loss or disappointment about the end of your relationship.

Feeling angry is O.K. as long as it doesn't control your behaviour. If your anger is overwhelming, try asking others for help or doing an activity that you enjoy.

**Caution:** It's normal for one or both parents to feel anger towards the other. But you both have a responsibility to protect your children from anger and conflict. If you or your children have been abused or feel unsafe around the other parent, you need to put safety first and you may need to create a safety plan. You need to protect your children and yourself. If you are in immediate danger, call the police.

If you have threatened the other parent or are feeling violent towards the other parent, you need to get help. Speak with a **counsellor**, an elder or someone you trust. It's also important to get help if your anger is interfering with your ability to cope with your daily activities.

## **BARGAINING**

- If you stay, I'll try harder*
- Why don't we just try again—I'll stop criticizing you*

People who are separating sometimes make promises to try and save the relationship. These promises may include

- spending less money
- not drinking or gambling
- not doing things the former partner finds annoying

Very often, these attempts at bargaining don't work. They can leave one or both of you feeling bad.

## **DEPRESSION**

- Nobody cares about me*
- I feel so sad and lonely*

It's very common for people to feel depressed after separation or divorce. Some of the signs of depression include

- changes in sleep (for example, sleeping a lot during the day or not being able to sleep)
- changes in appetite (eating little or quite a lot)
- alcohol or drug abuse
- ongoing negative thoughts
- difficulty focusing
- feeling anxious, guilty, worthless, pessimistic
- not enjoying activities the way you used to

Most people who separate or divorce say these feelings fade with time. If you're feeling depressed, ask for help. You can speak with people like a counsellor, your doctor or religious advisor. You can also call a local crisis line or distress centre. Search "crisis line" or "distress centre" at [yellowpages.ca](http://yellowpages.ca) or do an internet search for "crisis line" or "distress centre" in your city or area to find one near you.

If you have thoughts of hurting yourself or others, ask for help immediately. There's no shame in asking for help. It will help you be a better parent.

*If you and the other parent genuinely want to reconcile, it's a good idea to get counselling. It may help you address the issues which led to the separation. Be careful about what you say to your children about this. Your children may be confused if things appear to be going well but you later separate or divorce anyway.*

## ACCEPTANCE

- Ok, I guess this is how things are going to be*
- Our marriage is over, so it's time to move on*
- I don't like it, but I have to accept it*

Accepting the separation or divorce means that you realize it's happening and that it's not going to change. It doesn't always mean that you're happy about it. It means that you're ready to move on with your life. It's important that you accept the separation or divorce so you can work on building a new relationship with the other parent. Your new relationship will focus on what's best for your children.

## Moving forward

You need to take care of yourself to be strong for your children and to support them through the separation or divorce. Here are a few tips

- Be patient with yourself. The first year after separation is often the hardest because there are so many changes and decisions to make. Some experts say that it can take two or three years to fully adjust to a separation or divorce.
- Recognize that it's O.K. to have all these different feelings.
- Reach out for support. Friends, family and professionals, like counsellors, can help.
- Take care of your health. Try to eat well, sleep well and get exercise.

Separation or divorce closes one chapter of your life, but it also begins another. This may be a chance for you to try something new. For example, you might try a new sport or join a social group.

## Ask yourself: How am I coping with the separation or divorce?

It's important to think about how you're feeling and coping. Ask yourself the following questions

1. What am I feeling? Am I feeling anger, sadness, anxiety, joy?
2. Where am I in the grieving process? Am I in denial, anger, bargaining, depression, or acceptance?
3. What am I doing to cope with my emotions?

4. What else could I be doing to help myself cope? (For example, could I talk to a friend, read, do volunteer work, join a choir, talk with a counsellor or elder, join a support group, exercise, start a new hobby?)
5. Where would I like to be in my life in a year? In five years? What do I need to do to get there?



## Section 2

*What your children  
may be feeling*



**A**s you separate or divorce, one of your main concerns will be your children. You may be asking yourself, “Will my kids be O.K.?”

This section talks about children’s reactions to separation and divorce. Understanding what they’re feeling can help you understand their questions and reactions. It will also help you support them.

*Everybody makes mistakes.* You may read something in this guide and think “Oh, I shouldn’t have done that” or “I should’ve handled that situation differently.” Nobody is perfect. You can always revisit issues with your children. This guide may help you think about different strategies to use in the future.

## **Your children may be grieving too**

Just like you, your children may be grieving the loss of their family as they knew it. Children can feel loss when their parents separate or divorce. Because young children usually don’t have the language skills or experience to explain what they’re feeling, they often show their grief through their behaviour.

Children’s specific reaction to separation and divorce generally depends on their age. You will find information about different age groups at *Appendix A: How Children React at Different Ages and Stages*.

### ***Stages of Grief***

Here are some of the things your children may be feeling as they work through their grief. They may go through all of these stages, or only some of them. Or they may go through them in a different order than listed here.

#### **DENIAL**

- I don’t believe this*
- Mom and Dad will get back together again*

## ANGER

- How can you ruin my life like this?*
- You're only thinking about yourselves!*
- How come my parents are getting divorced? Why does this have to happen to me?*

## BARGAINING

- If I behave better, maybe Mom and Dad will get back together*

## DEPRESSION

- I feel so sad and alone*
- I don't want to talk to anyone about this—I just want to be by myself*

In some cases, children may act out feelings of sadness as aggression.

## ACCEPTANCE

- I'm not happy about it, but I understand that Mom and Dad aren't getting back together*
- Mom and Dad don't live together anymore, but they both still love me*

It takes time for your children to adjust to separation and divorce, just like it takes time for you to adjust. Before your children can accept it, you must accept it. They will take their lead from you.

## What your children need to hear

When children find out that their parents are divorcing or separating, they're often unprepared. They can feel sad, lonely, and confused.

Your children need you to talk with them about how the separation or divorce will affect them. They need you to

- talk about what will change
- listen to them talk about their feelings and worries
- let them know they can be honest with you about their feelings

### Remember ...

*Your children need to know that this doesn't change how you feel about them.*

While you may not be able to solve all their problems or make them feel better right away, it can help them to know that you understand how they're feeling.

### **It's important for you to tell your children the following**

- My feelings for Mom/Dad may have changed, but I still love you and I think that it's important that you have a relationship with Mom/Dad.
- You didn't do anything to cause us to separate or divorce. *Nobody* thinks you did anything wrong.
- It's normal for you to have feelings about this and I want to know how you're feeling.
- You don't need to take care of us. We're adults and it's our job to take care of you.
- You don't need to choose between us. It's O.K. to love both of us.
- You may hope that we'll get back together. This is something kids often want. We've thought about separating (or divorcing) really carefully and we are not going to change our minds about this. Things in all of our lives are going to change. I am going to work with your Mom/Dad to make this as easy on you as possible.

If a statement on this list isn't true in your case, don't say it. Also, if you're worried about your safety or the safety of your children, some of these statements may not be appropriate in your case.

Focusing on your children's needs can sometimes be hard, especially when you are dealing with your own emotions and challenges. You can get help focusing on your children's needs from support people like **counsellors**, **mediators**, elders or religious advisors.

### ***Telling your children about the separation or divorce***

If possible, it's a good idea for you and the other parent to show that you're still a parenting "team" and tell your children together. It's important that they hear consistent messages from the two of you.

While it's best if you can tell your children together, it may be better for each of you to speak to your children separately if

- there's a lot of conflict and anger between you and the other parent that you can't put aside in front of the children
- there are safety issues

Whatever approach you decide is best, you need to think carefully about what you're going to say, and try and anticipate your children's questions.

It's important to give your children some basic information about your separation or divorce. The amount of information that you give them and how you explain it will depend on their

age. But no matter what age your children are, they don't need to know the intimate details about *why* the relationship ended.

Preschoolers will not understand terms like *separation* or *divorce*, and will need to be told in more basic terms. You might tell a preschooler that mommy and daddy will not be living together anymore and will have separate homes. Older children will understand the more abstract concepts of separation or divorce.

For an older child, you might say

*We've thought and talked a lot about this. We've had problems and we've tried to work them out. But we think it would be better if we didn't live together anymore.*

Be prepared to discuss practical issues that affect the child, like

- their living arrangements
- their relationships with friends and other family members, like siblings and grandparents
- how this will affect their school, activities and belongings, like toys

Don't make promises you can't keep. It's important to talk with the other parent before making promises to your children. For example, don't make promises about summer plans such as vacations or summer camps, before having discussed this with the other parent.

Early in a separation you may not know what all the practical arrangements will be. Tell your children what you know when you're speaking to them. Also let them know that as other arrangements are made, you'll give them more information. Your children may be afraid to ask questions. It's a good idea to give them as much information as you can, and let them know that it's ok to ask questions. When your children ask questions, it is important to listen to them and do your best to answer as truthfully as possible. But don't criticize the other parent. And don't give them details about what went wrong. Be brief and reassuring.

For example, if your child asks how you're doing, rather than saying "everything's good," it's O.K. to say

*I'm sad right now Honey, but that's normal and I'll get through this. You don't need to worry.*

This will not be a one-time conversation. While you may have been thinking about the separation for some time, it may come as a surprise to your children. They may need time to understand what you're saying. They may ask more questions as time goes on. The Department of Justice Canada has a publication for children aged nine to twelve, entitled

*What happens next? Information for kids about separation and divorce.* To see a copy, visit [www.justice.gc.ca](http://www.justice.gc.ca). Under “Family Law,” click on “Custody and Parenting” and then “Help for Kids.”

### ***What you should keep to yourself***

Your children shouldn't hear about

- adult issues like money problems, an affair, or conflict between you and the other parent
- why you think the other parent is to blame for the separation or divorce
- negative things about the other parent

### **How is my child coping?**

It's normal for children to have reactions to separation or divorce. This reaction will likely differ depending on their age. The questions below may help you determine how your child is doing. If you're able to effectively communicate with the other parent, you may want to discuss these questions with them to get a full picture of how your child is doing.

1. What emotions related to grieving do you think your child is experiencing? Denial? Anger? Bargaining? Depression? Acceptance? (You may find it helpful to refer back to pages 14-15.)
2. Based on their age, how well do you think your child is handling the challenges of separation or divorce? (You may find it helpful to refer to *Appendix A: How Children React at Different Ages and Stages*.)
3. Are there any issues of concern related to the separation or divorce?
4. How are you helping your child with these issues? How are others helping your child?
5. Who is there to support your child? Do you and your child make use of these sources of support?

## Section 3

# *Parenting after separation— focusing on your children*



**W**hen you and the other parent were a couple, your interactions as a couple and as parents were bound together. After separation and divorce, you move away from the couple relationship, and you need to work at forming a new relationship as co-parents.

The key feature of **co-parenting relationships** is that they focus on what's best for the children. There are many kinds of co-parenting relationships. The nature of your co-parenting relationship will depend on many factors, including how well you and the other parent get along. For example, some parents are able to meet face-to-face to discuss the children. Others find this difficult and prefer to communicate by e-mail, only when necessary.

Some important elements of a co-parenting relationship are

- You and the other parent can only expect each other to do what is agreed to verbally or in writing.
- Meetings between you and the other parent are relatively formal—they take place in a neutral location (for example, a coffee shop) at specific times, and you usually have a list of issues to discuss.
- You and the other parent are not personally or emotionally involved with one another.
- You and the other parent share little personal information with each other, unless it is related to parenting.

The change from a couple to a co-parenting relationship won't happen right away. You will need to work hard at it. It may take a while before you and the other parent learn to communicate only as co-parents.

Sometimes when separated parents argue about their children it's really not about the children at all. Their arguments may really be about things that happened when they were a couple. They may just be trying to control each other through their children. You will need to work to separate your feelings about the other parent from your feelings about your children.

**Caution:** If you're worried about your safety, a co-parenting relationship that requires you to work closely with the other parent may be a problem. In *Section 6: Special Issues* you will find suggestions about parenting schedules and decision-making approaches when there are ongoing safety concerns.



## Some tips for working together

As you learn to co-parent, remember to

- work to put aside your anger and cooperate to put your children's needs first
- be polite and treat the other parent with respect
- avoid sarcasm, rudeness and insults

This can be hard, especially if you have strong negative feelings about the other parent. But if you treat the other parent with respect, they're more likely to listen to what you're saying.

*You don't need to be friends with the other parent. You **do** need to find a way to work together as parents in your children's best interests.*

Be prepared to have honest discussions with the other parent about your children. When you were a couple, you lived together and were able to take certain ways of doing things for granted. In a co-parenting relationship, you need to be clear about what you expect and who will do what.

For example, how often will you communicate with each other? Will this be by phone, by e-mail, or in person? Are you comfortable coming into each other's houses when you drop off your children? Or will you wait outside?

Think about the special occasions in your children's future—birthdays, special holidays (for example, Christmas, Hanukkah, Eid el-Fitr), their graduations. Will your children enjoy them if they're worried their parents are going to fight or make them feel guilty about spending time with the other parent? Or will they be more meaningful for your children if you and the other parent can put your differences aside and come up with a plan that puts your children first?

There are many professionals who can help you work on your co-parenting relationship. **Counsellors, mediators** and **parenting coaches** can help you find new ways to parent together.

### ***How to improve your communication skills with the other parent***

Working on positive communication skills can help you to address parenting issues. Here are some suggestions to help you communicate:

#### **Prepare**

Sometimes when we're worried or stressed, it's hard to remember everything we want to say. If there's something important that you want to talk to the other parent about, try writing your ideas down in point form. Writing your ideas down can also help you think through the issues.

## **Listen**

Listening sounds easy, but sometimes we start talking before we've heard what the other person is saying. This can make the other person feel like they haven't been heard. It can also cause misunderstandings.

When you've been a couple, it can sometimes be very easy to jump to conclusions about what someone is going to say, based on your past experiences with them. It can also be very easy to "push each other's buttons." It's important to step back and put your assumptions aside.

Try to listen objectively to what the other parent *is* saying—not what you *think* they're going to say.

Try listening to everything the other parent says before

- deciding how you're going to respond
- starting to speak

## **Use "I" statements**

You can use "I" statements to express your needs and feelings about an issue. They can help you focus on how you see something rather than on blaming the other parent. "I" statements sound like

*I am really sad because Sarah tells me that she misses me. We are scheduled to have time together on Wednesdays, but now I am often working then. I would like us to work together to find a solution to this.*

Avoid "you" statements, which focus on what you think the other parent has done wrong.

*You won't let me see Sarah when I want to.*

"You" statements can make the other parent defensive and make it harder to find solutions.

## **Restate**

Restating or repeating what you believe the other parent has said can help you communicate.

It shows that you have listened. It can also show that you have understood what the other parent has said. Restating doesn't always mean you agree with what the other parent is saying. It just means that you have heard them.

This is what restating sounds like

*What I hear you saying is that you would like to spend more time with Sarah, but that Wednesdays are difficult for you because you're often working. You would like us to find a solution that will fit with your work schedule.*

### **Focus on your child**

Once everyone has been heard and you've identified the problem, it's important for both of you to work together to find a solution.

The focus of the discussions should be on what your children need and what's best for your children. How can you meet your children's needs? You also need to be practical and realistic. For example, when discussing the parenting schedule, you need to consider issues such as each parent's work schedule as well as transportation options.

If you focus on your children's needs, it can help to shift attention away from what each parent "wants" or is "giving up." While it may mean that you end up with an arrangement that is less convenient for you, it's important to do what's best for your children.

This is what focusing on your children sounds like

*I know that Sarah misses you. Let's look at the schedule for Sarah's activities to see if there is a way for her to see you more often.*

It's helpful if you and the other parent encourage each other to offer solutions. It will be easier for both of you to agree to a decision that you've both been actively involved in making.

This is what encouraging more than one solution sounds like

*How do you think that we can arrange things so that Sarah sees more of you?*

or

*What do you think are some options for me to spend more time with Sarah?*

### **When you're not able to communicate in person**

If there's still a lot of conflict between you and the other parent, you may not be able to discuss issues in person. Instead, you might want to communicate

- by e-mail. This allows you to think about your response before you send it. If you're discussing an issue that could cause an argument, it may be helpful to draft your e-mail and then leave it for a while before sending it. E-mail can also provide a record of your agreements that you can refer back to as necessary. For some tips on using e-mail to communicate, see *Appendix B: E-mail Etiquette for Separating and Divorcing Parents*.
- with the help of a professional, like a mediator or counsellor.

## Protect your children from conflict

One of the most important things you can do for your children is protect them from conflict between you and the other parent. The research is clear that low conflict between parents is critical to children's well-being after separation or divorce. Conflict creates a climate of tension that can be harmful to children. This is true even if there's no physical or emotional abuse.

If the conflict continues for a long time, it can cause stress, fear, and emotional and behavioural problems in children. For example, studies show that conflict between parents can affect

*This means that you and the other parent should treat each other with respect in front of your children.*

- how children do in school
- children's physical and emotional health
- children's social interactions—with you, other family members, their friends, and even later in life with their own spouses

Continuing conflict between their parents also sets a bad example for children. It doesn't show them how to solve disagreements in a healthy way. Here are a few things to keep in mind:

- Don't argue in front of your children.
- Don't argue where your children can hear you.
- Don't ask your children to carry messages between you and the other parent.
- Don't try to punish the other parent by
  - denying them time with the children
  - denying their extended family time with the children
  - not paying child support.
- Don't ask your children to take your side against the other parent.
- Don't leave legal papers where your children can see them.
- Don't tell your children about your problems with the other parent.

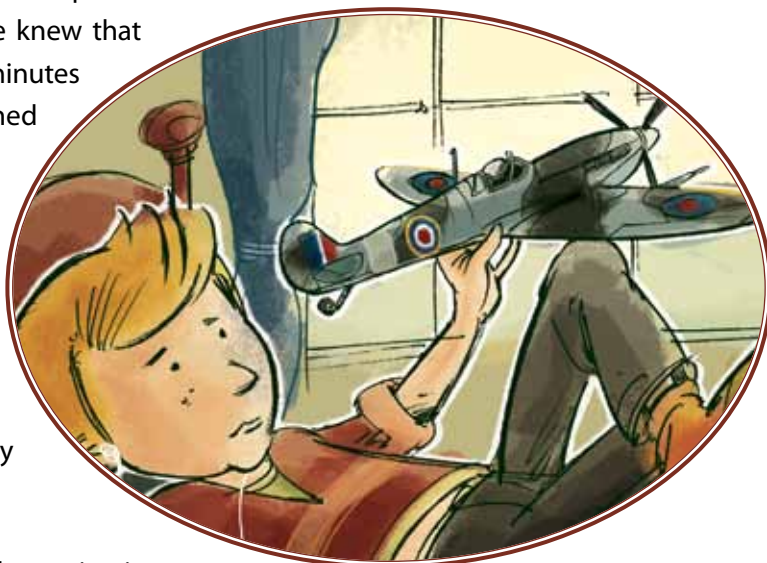
- Don't use your children for emotional support.
- Don't punish your children for misbehaviour by keeping them from seeing the other parent.

If you and the other parent disagree about an issue such as the children's vacation schedule, don't talk about it in front of the children. Instead, plan a time for you and the other parent to have a telephone conversation or agree to communicate by e-mail. If you're still not able to resolve the dispute this way, you may wish to ask for help from people like a counsellor, mediator, elder, religious advisor, or lawyer.

## *Nick in the middle*

**N**ick's stomach churned as he listened to his parents voices rising. Things were heating up and he knew that another full-blown argument was just minutes away. He closed his bedroom door and turned up the music.

For as long as he could remember, his parents had been arguing. They had argued before the divorce. They had continued after the divorce. They argued about little things like Nick's bedtime. They argued about big things like who should pay child support.



The worst part was that they were constantly arguing in front of Nick. They argued on the front porch when he was picked up. They argued over the phone when he was trying to sleep. Once they had even argued at his school play! Nick had been embarrassed in front of the other kids, their parents and his teachers. It had taken him a long time to forgive them for that, but it didn't change anything. They just kept on arguing.

Nick was convinced that he was the reason they argued. After all, they were always arguing over him: where he would stay that night, who should pay for his piano lessons and who would drive him to school. What else could it be? He couldn't focus at school and had lost interest in playing the piano. He didn't invite friends over because he was afraid they would hear his parents screaming at each other. So, these days he spent most of his time in his room—alone.


Nick's favourite teacher, Mr. Adamson, noticed that he seemed unhappy and that his grades were dropping. One day, he asked him if there was anything he wanted to talk about. Nick was so glad to have someone other than his parents to talk to, that before he knew it, he had told Mr. Adamson all about his parents' arguments and how they made him feel.

With Nick's permission, Mr. Adamson called both of Nick's parents. He explained to them how Nick was feeling responsible for their arguments and how it was affecting him. It was hard for Nick's parents to hear what their behaviour was doing to him, but they began to see that it needed to change.

Later that week, his dad decided to call the family counsellor his doctor had recommended when he and Nick's mom had separated. At first, Nick's dad went alone, but after a couple of sessions, the counsellor encouraged him to ask Nick's mom to join them. Nick's mom was afraid the counselling session would turn into another argument, but she thought she should give it a try for Nick's sake.

Although it wasn't easy, they met with the counsellor a few times and came up with ways to keep Nick out of their conflict. They both agreed that no matter how angry they felt with each other, they loved Nick more, and they needed to focus on him. They decided that if there was a problem, they would communicate through e-mail or meet with the counsellor again to talk it through.

After those meetings with the counsellor, Nick's parents sat down with him and explained that he was not responsible for their divorce. They apologized for arguing in front of him, and told him that they both thought it might be a good idea for him to speak to a counsellor about how he was feeling.

Nick felt relieved that he wouldn't have to listen to the arguing anymore. He was sure that things would get better. 

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### **Games that parents sometimes play**

Sometimes, parents put their children in the middle of their conflict without realizing it. Maybe you've heard stories about separating parents who use their children against each other.

Children already have to deal with a lot of changes. They don't need to be put in the middle of their parents' conflict, even if their parents don't always mean to do it. Parents who act this way are usually angry or feel they cannot communicate with the other parent. No matter why they do it, it can harm their children.

You don't want your children to be put in the middle of your conflict. So here are some examples of the kinds of behaviour you should avoid.

### ***The child as the "prize"***

When parents are in conflict, one of them may try to "win" by getting a child on their "side." The "prize" is getting their child to believe that they're in the "right" and that the other parent is "wrong." One of them might tell the child too much about the causes of the divorce. Or one parent might say negative things about the other parent.

Nobody wins if children are hurt. Over time, children may become angry with the parent who "won" at first. When children get older and understand more about what happened, they may feel they have been used.

### ***The child as a "bargaining chip"***

Sometimes one parent might threaten the other parent to get them to behave the way they want.

- If you don't pay your child support, I won't let you see the kids.*
- If you don't tell me how you're using the money I give you, I'll stop paying child support.*
- If you don't stop seeing Quinn, I won't let you see the kids as often.*

When parents act this way, they're probably focusing on their relationship with each other and not on their children.

### ***The child as messenger***

Sometimes, parents might not speak to each other directly. Instead, they might send messages with their children.

- You tell your father that when you're at his place you need to get your homework done.*
- You tell your mother that her lawyer better stop calling me!*

This puts the children in the middle of the conflict. It can make the children feel stressed and anxious. Instead, you need to communicate directly with the other parent about parenting issues. Try not to make your children a go-between.

## Monica the messenger

Anika and Ramesh refused to talk to each other.

So when Anika had a message for Ramesh, she would give the message to their 12-year-old daughter, Monica.

“Tell your father he needs to pay for half of your school trip.”

Ramesh did the same thing.

“Tell your mother not to let you stay up late on week nights.”

Sometimes things became very complicated . . .

“If your father doesn’t want to pick you up on Fridays then he needs to start driving you to class every other Tuesday and Wednesday.”

Monica became confused and frustrated. Sometimes her mom or dad would get mad when she passed on the message. She hated doing it. She felt like her parents were getting angry with her. She was too young to be responsible for any of this. What did she know about money and schedules? What if she forgot something important?

One day, when Anika asked Monica to tell her father something, Monica shouted: “Why don’t you just tell Dad yourself? You’re the adult!”

Anika was shocked. She had thought that Monica was handling things O.K. Maybe she had been wrong.


It took her all day to work herself up to it, but Anika sent Ramesh an e-mail that night. She explained what had happened and suggested that they needed to talk to each other directly, rather than through Monica.





When Ramesh received Anika's e-mail he felt terrible. He realized that they had been putting their own feelings ahead of their daughter's. Ramesh agreed that they needed to put Monica's best interests first, even if communicating directly was more difficult.

They scheduled a telephone conversation every two weeks where they would only talk about Monica, and would communicate by e-mail in-between as necessary.

Communicating would still be tough, but it shouldn't be tough on Monica. 

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### ***I spy***

Sometimes one parent may ask a child lots of questions about the other parent.

- Does your Mom have a boyfriend? Does he stay over all night?*
- Did your Dad get a new car?*

This type of questioning puts children in a difficult position. They don't want to feel like they're tattling on their parents. These questions can also confuse children. They can make children wonder if the parent is actually doing something wrong. Besides, the information that parents get this way is often unreliable.

It's normal to be curious about other people. But, you need to make sure that you don't make your children feel like they're "telling" on Mom or Dad.

## *Spy Trap*

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**P**atrick felt awkward telling his dad the truth.

“Well? Does your mom have a new boyfriend or what? I just want to know,” said Patrick’s father.

Patrick’s dad asked about his mother a lot. He would ask whether she was buying new furniture with “his” money, if she stayed out late at night, and what kinds of friends came to the house. He asked a lot of questions, even ones Patrick didn’t know the answer to.

Patrick didn’t want to say anything this time because his mom had asked him not to. He didn’t want to break the promise he had made to his mother, but he didn’t want to lie to his dad. Besides, his parents were divorced, so why was his dad asking?

Patrick loved his dad, but he felt stuck in the middle. Why couldn’t his dad see how this was affecting him? ☹

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### ***Disneyland parent***

Of course parents worry about the effect of separation or divorce on children. Sometimes a parent may try to compensate for the divorce or show they love their kids by

- buying them expensive gifts
- taking them on vacations or outings
- excusing them from doing chores
- excusing them from age appropriate limits and responsibilities, like curfew

While this may appear to make kids happy in the short term, it can have negative consequences. One parent may not be able to afford such expensive things and may feel guilty.

The person buying the gifts sometimes can't afford them either.

Buying your children gifts won't make up for the divorce. Nor does it make up for time away from one of you.

It also doesn't help your children if you excuse them from chores and responsibilities either. Your children need you to provide them with structure and rules, and to help them to learn to be responsible. Your children expect this from you and part of your job as a parent is to help them eventually become responsible adults.

### **Put downs**

Sometimes you or the other parent might put each other down in front of your children.

- Your father just isn't reliable.*
- Your mother can never make up her mind.*
- Why did your dad take you to a hockey game? Hockey is so boring.*

Even if you can't think of anything nice to say about the other parent, don't say negative things. Hearing you criticize their parent can make your children feel bad about the other parent. It can also make them feel like they're also being criticized.

### **Talking to your children about finances**

Even in families where the parents are together, family members often can't afford to buy everything they would like. After separation, the income that supported one household is now divided into two households. This may mean that one or both households have less money to spend on things they would like.

When children ask for things or want to participate in activities, it's perfectly acceptable to explain that you can't afford it: *"We can't afford that right now, honey."*

But be careful not to talk to your children about money problems or blame the other parent for those problems. Don't say: *"I can't afford to send you to hockey camp because your father left us and isn't paying child support."*

Finances are an adult issue, and talking about them can make children feel burdened. Talking about money places them in the middle of parental conflict.

## **Ask yourself: How is our co-parenting relationship working?**

1. Do you see yourself in any of these “games”?
2. What changes would you like to make to your interactions with the other parent to improve your co-parenting relationship?
3. Identify a specific issue that you need to discuss with the other parent. Based on the communication tips outlined at pages 21-24, how will you go about discussing the issue?

## Section 4

*What is the best parenting arrangement for my child?*



**W**hen you decide to separate or divorce, you will need to make parenting arrangements for your children. This is easiest when you and the other parent have a **co-parenting** relationship where you focus on your children. For more information on co-parenting relationships, see *Section 3: Parenting After Separation—Focusing on Your Children*.

When making parenting arrangements, there are three main types of decisions that you'll need to make:

1. How will you decide on things like your children's education, health and religion?
2. Where will the children live and how much time will they spend with each of you?
3. How will you settle any parenting issues that come up in the future?

## **Best interests of the child**

When you are deciding on parenting arrangements, it's important to focus on the best interests of your children. While there is no precise definition of the “**best interests of the child**”, one way to think about it is to consider what parenting arrangement will best encourage your children's development, happiness and success. This isn't an easy question to answer, as it will depend on many factors. Every child and family is different and so it's important to think about what will work best in your situation. Try to look at this through your child's eyes.

In deciding on a parenting arrangement, you'll want to consider issues like

- the age and stage of development of your children (please see *Appendix A: How Children React at Different Ages and Stages*)
- any special needs your children may have
- your children's relationship with each parent
- your children's relationship with siblings, grandparents and other extended family
- care arrangements before the separation
- your children's wishes
- each parent's parenting abilities
- the ability of you and the other parent to cooperate and communicate about parenting issues
- your children's cultural, linguistic and religious upbringing.

It's also important to consider specific issues that may affect your children's safety and either parent's parenting abilities, like

- **family violence**
- substance abuse
- serious mental health issues

Appendix A provides information about children's developmental stages, which can help you when you think about which parenting arrangement is best for your children. You may also find it helpful to speak to a mental health professional such as a social worker or psychologist to help you to understand your children's needs and to help you develop a parenting arrangement that meets those needs.

## **Decision-making**

A key part of a parenting arrangement is who will make important decisions about the children. These decisions include those about the children's

- health care
- religion or spirituality
- education

You can make important decisions in a number of different ways.

**Joint decision-making**—you and the other parent consult each other and make the decisions together

**Sole decision-making**—you or the other parent makes the decision on your own

**Divided (parallel) decision-making**—you're responsible for some decisions (for example, health and religion) and the other parent is responsible for other decisions (for example, education)

You should carefully consider which approach is appropriate in your circumstances, in light of your children's best interests. If you and the other parent are able to cooperate well with each other on parenting issues, joint decision-making may be a good option for you.

On the other hand, if you and the other parent are not able to get along, having to make decisions together or divided decision-making may expose your children to conflict. For example, if one of you is responsible for health decisions and the other is responsible for decisions about education, a disagreement could arise about whether a particularly demanding school program will affect the children's health. It's important to consider how you would resolve these types of disagreements.

**Caution:** You must think about safety when you develop parenting arrangements. Joint decision-making generally isn't appropriate in situations where there are ongoing safety concerns due to spousal violence, since it can provide an opportunity for continued control of one parent by the other. For more information, please see *Section 6: Special Issues*.

You may also want to address other issues such as changing where the children live, vacations outside of the province or country, applying for passports, holding passports and other important documents, and signing consent letters for travel.

If you're not making a parenting arrangement under the *Divorce Act*, you will want to visit your provincial or territorial family law website for information about the laws of your province or territory. You can find links to these sites in the "Family Law" section of the Department of Justice website at [www.justice.gc.ca](http://www.justice.gc.ca). For example, if you live in the province of Québec, parents share parental authority, which includes important decisions about the children like health care, education and religion. The parents may decide between them how they will exercise that parental authority.



## **Terms used under the *Divorce Act* and the *Federal Child Support Guidelines***

**Custody** is the legal term in the *Divorce Act* which refers to both the parenting schedule for a child, and how decisions about the child will be made. When parents divorce, there are different types of custody.

**Sole custody** means that one parent makes the major decisions about matters such as the child's education, religion and health care. Generally, the child will live primarily with this person.

**Joint custody** means that both parents have legal custody of the child and make major decisions about the child together.

**Shared custody** refers to situations where a child lives at least 40% of the time with each parent. This is normally used in the child support context.

**Split custody** refers to situations where one or more children live with each parent more than 60% of the time. This term is normally used in the child support context.

A variety of living arrangements are possible for the child when the parents have joint custody. For example, the child may live mostly with one parent, while both parents make important decisions jointly.

It is also possible for the parents to have both joint and shared custody of a child. In this situation, the parents would jointly make important decisions about the child, and the child would spend at least 40% of the time with each parent.

**Access**—When one parent has sole custody, the other parent normally has access. A parent with an order for access under the *Divorce Act* is entitled to spend time with the child. Unless the court orders otherwise, a parent with access is also entitled to ask for and be given information about the health, education and welfare of the child.

### **Provincial and Territorial Legislation**

In many cases, parenting issues are decided under provincial or territorial legislation. This will happen for example, where parents are separating but not divorcing or were never married. Depending on the province or territory, terminology such as "parenting orders," "contact orders," "parental responsibility," "guardianship," "custody," "access" or "parental authority" may be used.

### **Other Terms Can be Used**

Although the *Divorce Act* and provincial and territorial legislation may use certain terms, such as "custody" and "access," it is not necessary to use these terms in a parenting plan, if you and the other parent do not wish to. Other words or descriptions can also be used to set out parenting roles and responsibilities.

If you do decide to use different words, it is important to be as clear as possible to avoid confusion.

## **The parenting schedule**

Another key part of your parenting arrangement is when the children will be with each parent. You may have heard different terms used to refer to this, like a residential schedule, parenting time or parenting schedule. This guide uses the words parenting schedule.

The parenting schedule should be as clear as possible about the time that the children will generally spend with each parent. It can also include holidays and special occasions such as Mother's Day and Father's Day.

It's important to be practical and realistic when agreeing to a parenting schedule. For example, you and the other parent should think about issues like your work and other commitments. You should also think about what kind of transportation you will need to spend time with the children. For example, if one parent doesn't have a car, you'll have to think about things like the availability of public transportation, particularly if you and the other parent don't live near each other.

Transitions for children can be easier if they take place at a natural point in their schedule. For example, one parent can drop the children off at daycare, school or swimming lessons and the other parent can pick the children up.

The focus should be on what's best for your children, not necessarily what's most convenient for you. When arriving at a parenting schedule, you and the other parent should take into account the children's activities and social commitments.

It's generally best for children if they have an ongoing and meaningful relationship with both parents, and they know that each parent supports the relationship with the other parent. But, there is no "magic formula," that determines the best schedule. The best parenting schedule in your situation should be what is best for your children.

Appendix A talks about children's ages and stages and some of the issues that your children may be dealing with at their ages. Children's needs change at different ages. For example, from a developmental perspective, a schedule that works well for a teenager will likely not be appropriate for an infant or toddler.

In some situations, it will be best for the children to live primarily with one parent, but frequently spend time with the other parent.

In others, it will be best for children to live roughly equal amounts of time with both parents. This type of arrangement works best when children are a bit older and both parents

- live close to one another
- respect each other's ability to parent
- are able to cooperate with one another and
- can be flexible with the parenting schedule

The parents' ability to maintain a co-parenting relationship is important to making this type of arrangement work.

In some cases, particularly where there are ongoing safety issues, it may be best for the children to have limited or supervised contact with one parent.

It's also possible to include other important people in the children's life in the parenting schedule. For example, if the children regularly spend time with their grandparents, you may want to include this in the schedule. As with all decisions, this depends on the children's best interests.

It may sometimes be necessary to be flexible and realistic with the schedule that you have agreed to. For example, you may need to re-schedule a child's time with Mom if there is an out-of-town sports tournament during Mom's time with a child but Dad is responsible for transportation to and from the activity. Bad weather or other circumstances may also disrupt the schedule from time to time. This is to be expected.

Finally, parents sometimes want to "try out" a parenting schedule for a few months to see how it works for their children. They agree to discuss how the schedule is working after a while, and to make any changes as needed. This can work well in many cases. But, if there are problems between the parents and they end up in court, the judge may not want to change a schedule that they find is working to the children's benefit. The courts are concerned about stability for children and will only change parenting arrangements if there is a good reason and it's in the best interests of the children.

## **Resolving future parenting issues**

When you make a parenting arrangement, it's also important to think about how you and the other parent will work out any future disagreements about parenting. This is particularly important when you and the other parent agree to joint decision-making.

It's usually best if you can work out disagreements without going to court. For example, you may want to agree to speak with a **mediator** to try to resolve issues before going to court. For more information about different types of **dispute resolution**, see *Section 5: Options for Developing a Parenting Arrangement*.

## Child support

Once you and the other parent agree on the parenting arrangement that is best for your child, you will need to calculate child support. Child support is the amount one parent pays to another for the financial support of a child.

### ***What are the Federal Child Support Guidelines?***

The ***Federal Child Support Guidelines*** (*Federal Guidelines*) are regulations made under the *Divorce Act*. They set out some rules and tables (the ***Federal Child Support Tables***) to show how much child support parents should pay when they divorce. The guidelines are the law. They can tell you how much support a judge would likely order.

If you know in advance what your child support amount will likely be, it may be easier for you and the other parent to agree.

### ***Do parenting arrangements affect child support?***

Sometimes people get confused about how their parenting arrangement will affect the amount of child support they pay. It is important to remember that under the *Federal Guidelines* many criteria are used to determine the amount of child support. You should note that:

- If a child lives at least 60% of the time with one parent, the other parent will generally pay child support. A parenting arrangement that requires the parents to make major decisions jointly—for example “joint custody”—will not change this.
- If the parents have a “shared custody” arrangement, that is—the child lives with each parent at least 40% of the time—one parent will likely still pay child support. There are a number of factors that a court will consider in this type of situation.

### ***For more information on child support***

The *Federal Child Support Guidelines: Step-by-Step* has detailed information on how to calculate child support. To see a copy, visit [www.justice.gc.ca](http://www.justice.gc.ca) and click on “Family Law,” then “Child Support” and then on “Understand the Federal Child Support Guidelines” at the bottom of the page. The *Directory of Resources* at the end of this document also lists other places where you can find help. It also lists provincial and territorial sites that have information about child support rules and the family justice system across Canada.

## **Child and Family Benefits**

When parents separate or divorce, child and family benefits may be affected, depending on the parenting schedule. It's important to know that federal child benefits and credits are based on the *Income Tax Act*, and not on the rules of family law. Court orders or written agreements sometimes contradict the provisions of the *Income Tax Act*, or reflect circumstances that have changed.

If you separate or divorce, you need to understand how this may affect your child and family benefits. When you know the rules, you are less likely to experience frustration and financial hardship during an already difficult period.

The Canada Revenue Agency (CRA) administers tax matters and child and family benefits, like the Canada Child Tax Benefit, the Universal Child Care Benefit, and the Goods and Services Tax/Harmonized Sales Tax Credit. To find out more about the benefit and credit programs the CRA administers, visit the *Child and Family Benefits* web page at [www.cra.gc.ca/benefits](http://www.cra.gc.ca/benefits), or call 1-800-387-1193.

## Section 5

# *Options for developing a parenting arrangement*



**S**ection 4: *What is the Best Parenting Arrangement for my Child?* gave you some information about different parenting arrangements. This section talks about the different ways that you and the other parent can use to come to a parenting arrangement.

## **Parenting Plans—putting your parenting arrangement in writing**

You and the other parent can develop a **parenting plan** to put your parenting arrangement in writing. A parenting plan is a written document that outlines how parents will raise their children after separation or divorce.

You don't need to use a particular format for a parenting plan, but you can see an example of one in the *Parenting Plan Tool* on the Department of Justice Canada website. Your parenting plan can be short or long. It depends on your situation. The *Parenting Plan Checklist* also includes a list of many of the issues that you need to think about when developing your parenting plan. Both the *Parenting Plan Tool* and the *Parenting Plan Checklist* are available online at [www.justice.gc.ca](http://www.justice.gc.ca). Look under "Family Law," then "Custody and Parenting," then "Create a Parenting Plan."

If you think there are issues that you and the other parent may disagree on in the future, it's a good idea to address them in your plan. That way, you'll both know how to handle those situations as they come up. This can help you avoid conflict.

You and the other parent may want to write a parenting plan that is legally binding. This means that you can ask a court to enforce it. If you have your parenting plan included in your order under the *Divorce Act*, it will be legally binding. If you're not making parenting arrangements under the *Divorce Act*, you may decide to have your parenting plan included in an order under provincial or territorial law, or to make it a legally binding **agreement**. You will find more information about making agreements and obtaining orders under provincial and territorial legislation on the provincial and territorial family law websites. You can find links to these sites at [www.justice.gc.ca](http://www.justice.gc.ca), under "Family Law."



## Options for coming up with a parenting arrangement

When you're deciding which parenting arrangement is best for your children and other issues like child support, there are many ways to come to a decision.

You can reach an agreement with the other parent through **negotiation**, with or without a lawyer, **mediation** or **collaborative law**. Or, you can have someone else decide the issue through **arbitration** (available in some provinces) or by going to court. These are all different types of “dispute resolution.”

The approach that works best for you will depend on your situation. To help you decide which option is best for you, think about

- the amount of conflict between you and the other parent
- how involved your children are in any conflict between you and the other parent
- how quickly you want to resolve matters
- how willing you and your former partner are to co-operate in coming to an agreement
- the amount of control you want over the agreement
- if there has been **family violence** in the relationship
- how much you can afford to spend

Before you decide which option is best for you, it's a good idea to get information and guidance from the **family justice services and programs** available in your province or territory. The *Directory of Resources* at the end of this document also lists other places where you can find more information about programs and services in your area.

Family law issues can be complex. When you are developing parenting arrangements, it's always a good idea to speak with a family law lawyer to make sure you understand

- your legal rights and responsibilities
- options for resolving differences between you and the other parent
- how the court system works

Seeking the help of a lawyer is particularly important in cases where there has been family violence or there is substance abuse, or serious mental illness.

However you decide to make your parenting arrangements, it's important to focus on your **children's best interests**.

## Options for reaching an agreement

There are many advantages to reaching an agreement instead of having someone else make decisions for you. The main advantage is that you know your children best. In addition

- It's a cooperative approach and children benefit from less conflict in their family.
- Children benefit from seeing parents work together.
- It focuses on both parents "winning".
- You stay in control—no one else makes the decision for you.
- It's usually less expensive.
- It usually takes less time.
- You're more likely to stick to the agreement if you've made it.
- It sets a good precedent for how you'll resolve parenting issues that come up in the future.
- It allows you to tailor your arrangement to the needs of your children and your situation.
- It keeps the lines of communication open between you and the other parent.

### i) Personal negotiations

Personal negotiation involves discussions between you and the other parent to try and come up with a compromise or agreement about parenting issues.

Some things to consider

- You and the other parent are in complete control of the discussions as there is no third party involved.
- You can use negotiation to settle issues at any time—even if you've started a court case.
- Negotiation may be faster than other options, since only you and the other parent are involved.
- In situations where there are issues of power and control or abuse, it may not be possible for you and the other parent to negotiate on an equal basis.
- In situations where there has been family violence and there are ongoing safety concerns, it may not be advisable for you and the other parent to be alone together.
- Personal negotiations may also be difficult where there are serious mental health issues or problems with substance abuse.

You're not required to have a written parenting plan or **court order** after you separate or divorce. But if you and the other parent are able to agree on the parenting arrangements, it's a good idea to put it in writing because people sometimes remember things differently. This will help if problems come up in the future.

If you and the other parent are able to agree on parenting arrangements and make a parenting plan, it's important for each of you to show the draft parenting plan to your own lawyer before you sign it. This way, you can make sure you understand your legal rights and responsibilities before you sign. You may also have forgotten something important that the lawyer can explain to you.

A family law lawyer can also give you advice about having your parenting plan made into an agreement or reflected in a court order. One factor is that schools, doctors, and government departments may need you to give them a formal written agreement or court order. They need documents that are clear and easy to understand. The *Directory of Resources* at the end of this document has information about how to find legal advice and information.

## **ii) Negotiation with the help of a lawyer**

Another option is for you and the other parent to each hire a lawyer who will negotiate for you and help you reach an agreement.

Some issues to consider

- You and the other parent don't need to meet face-to-face—lawyers can talk for you.
- Your lawyer is your advocate. If there has been family violence or if there are issues of power or control, they can help to reduce differences in the power between you and the other parent.
- You and the other parent can rely on your lawyers to explain your legal rights and responsibilities before you sign an agreement.
- Lawyers can help make sure that your agreement is easy to understand and can be enforced. You can negotiate at any time, even if you've started a court proceeding.
- It can cost more time and money than if you and the other parent worked out an agreement yourselves.
- Each parent is usually responsible for their own legal fees while negotiating.

### ***Choosing a lawyer***

Family law lawyers generally try to take the emotions out of the negotiations and stick to the facts, the law and finding solutions that work. But different lawyers take different approaches to negotiation and litigation. It's important for you to speak to a potential lawyer about their approach before you hire them, to make sure they're a good fit for you.

### iii) Collaborative Law

Collaborative law is a specific type of negotiation. In collaborative law, you and the other parent, your lawyers and any other professionals involved, agree to work cooperatively to come to an agreement. During the collaborative process, you and the other parent agree not to bring any court applications. You and the other parent negotiate with one another and you each have your lawyers present at the meetings to explain legal issues and help you come up with solutions.

Some issues to consider

- You and the other parent can work together to come up with an agreement that focuses on your children's needs, with the help of a lawyer.
- You can ask other professionals, like financial specialists and mental health professionals (for example, social workers, psychologists, **parent coaches**) to help you with specific issues when they come up.
- There's an incentive for the lawyers to help you reach an agreement, because in collaborative law, the lawyers who are representing you and the other parent cannot represent either of you in court. If the collaborative process isn't successful, you will both have to hire a new lawyer to represent you in court.
- Everyone signs a contract agreeing to work collaboratively to come to an agreement, so it can take less time and cost less.
- On the other hand, if you involve a lot of professionals, collaborative law can cost more than some other options.
- Because you and the other parent must negotiate directly with one another, this process may not be right for you if there has been family violence. You should talk about this with your lawyer.
- In collaborative law, each parent must fully disclose all financial information to the other parent. If there is a strong chance that this will not happen, you should ask your lawyer if this is the right choice for you.
- You and the other parent can rely on your lawyers to explain your legal rights and responsibilities before you sign an agreement.

If you are interested in collaborative law, you should ask potential lawyers whether they have this type of practice. The *Directory of Resources* at the end of this document has information about how to find a lawyer.

#### **iv) Mediation**

A mediator is a neutral third party who can help you and the other parent identify issues in dispute, discuss these issues and come up with possible solutions. You and the other parent tell each other directly what you want and need for yourself. You also say what you believe is in your children's best interests. You and the other parent are responsible for making the decisions about your parenting arrangement. The mediator doesn't have the power to make an order or to force you to agree.

If you decide to mediate, it's a good idea for each of you to speak to a lawyer before you start. If you come to an agreement, it's also important to show a draft of the agreement to your own lawyer before making it final. This way, you can make sure you understand your legal rights and responsibilities before you sign.

Some issues to consider

- Mediation usually costs less than going to court.
- Mediation can be much quicker than going to court.
- Mediation can be confidential.
- You can use mediation to settle issues at any time—even if you've started a court case.
- Mediation helps encourage better communication between parents about child-related issues (what you say, how you say it, how you listen) and can help you focus on your children's needs.
- Mediation usually requires face-to-face communication and meetings, which may be difficult for some parents.
- Mediation can involve other people besides the parents. For example, it can involve a new partner or extended family members, if needed. This can sometimes help get to the root of problems.

Mediation usually involves direct discussions with the other parent. Therefore, mediation is not appropriate for everyone. For example, if there has been family violence and there are ongoing safety concerns, it may not be possible for you and the other parent to mediate safely and effectively. This is something you must think about. Before you start mediation, a skilled mediator will ask you and the other parent to go through a "screening process" to determine if it's right for you.

In some cases, shuttle mediation may be appropriate. In shuttle mediation, you and the other parent don't need to be in the same room. The mediator speaks to one parent, and then to the other parent separately. You and the other parent negotiate with the help of the mediator, without being face to face.

It may also be possible to mediate from different locations using technology like a telephone or videoconference. For example, you might do this if you and the other parent live in different cities.

### ***Choosing a mediator***

In most parts of Canada mediators are not regulated, but there are organizations across the country that train mediators and have standards of practice for them. When you choose a mediator, it's important to ask them about

- their background, including their training, qualifications and experience
- whether they belong to any provincial or national mediation or dispute resolution organizations
- their background and knowledge with respect to children
- the nature of their practice

## *Max and Julie*

Things weren't going well. Max and Julie had been separated for six months, and they hadn't been able to agree on any type of parenting or child support arrangements for their children, Lily and Peter.


Every time they tried to talk, they just ended up shouting. Max accused Julie of not caring enough about the kids. Julie accused Max of turning the kids against her. It looked like they were headed to court.

Then one of Max's friends mentioned mediation. He told Max that he and his former partner had been to a mediator, and she had helped them agree on many of their issues.

Max suggested mediation to Julie, but she immediately rejected it. Her first thought was that if Max was suggesting it, he must have thought he'd get a good deal out of it.



But Julie was curious, so she looked it up online and learned that mediation had worked in many family law cases. It helped the parents learn to negotiate and communicate effectively with one another. She read that this was important because parents need to continue to work together as co-parents for many years. So she agreed to try it.

Max and Julie have now had three mediation sessions. While they haven't yet agreed on everything, they have learned to listen to one another better, and to communicate without getting too emotional or too angry. The mediator is also helping them to focus on coming up with an agreement that is best for Lily and Peter. 

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## Options where someone else makes the decision

### i) Arbitration

In some provinces, parents can resolve parenting issues through arbitration. In arbitration, both parents agree that they will allow a neutral person—the arbitrator—to decide their legal issues. Arbitration is a private process and parents are responsible for paying the arbitrator, as well as their own lawyers.

Some issues to consider

- Arbitration may be faster than going to court and you don't need to file court documents.
- You and the other parent can choose the arbitrator, and so you can make sure they have the expertise or background to deal with your particular issues.
- Arbitration is confidential.
- You and the other parent have less control over the process than in negotiation, mediation or collaborative law. The arbitrator will decide the issues for you.
- In arbitration, each parent has to build their case against the other parent to try to get the outcome they want. This may have a negative long-term effect on your ability to deal with the other parent on issues related to the children.
- Because parents have to pay for their own lawyers, as well as the arbitrator's fees, this can be an expensive process.

It's important that you speak to a family law lawyer to decide if it would be appropriate for you.

## ii) Going to court

Going to court means that you're asking a judge to decide for you. The judge will hold a hearing or a trial, and then make a court order. You must do what the court order says.

There are many steps in the court process. Even if you have to go to court, the court will encourage you and the other parent to come to an agreement, if possible. You should not expect the court to give you a court order right away. It can take a long time.

When judges decide on parenting arrangements, they base their decisions on the best interests of each child, based on the evidence at the hearing or trial.

Some issues to consider

- The judge may not agree with your point of view, and may make a decision that you do not agree with.
- You and the other parent have little control, because the judge makes the decisions and you will have to live with those decisions.
- If none of the other dispute resolutions processes are appropriate for you, going to court may be the only option.
- Going to court can take a lot of time and be very expensive.
- In court, each parent has to build their case to try to get the outcome they want. This may have a negative long-term affect on your ability to deal with the other parent on issues related to the children.
- Even if you go to court, prior to a judge making a final decision, you can still try to resolve the issues through negotiation or mediation.

## Including your children's perspective

No matter how you decide to reach your agreement, it's important to get your children's input on their needs. This will help you focus on what's best for your children. It can also help your children understand what's happening and to feel like you're thinking about their needs. How you go about seeking your children's views, and how much weight you give them, will depend on your children's age and level of maturity.

*Listening to your children's views doesn't mean that you ask them who they want to live with.*

You can ask professionals like **counsellors**, **mediators** or **parenting coaches** for guidance and advice before you speak with your children about their feelings or needs.



Some children want to provide *input* into decisions that will affect their lives. But, it's not appropriate for children to *make the decision* about the parenting arrangement or to take sides. Older children generally understand the difference between giving input and making a decision. But it's important to stress the difference with all children. They need to understand that while they can provide input, it's their parents or a judge who will make the decision. It's also important for them to know how you will use their input. Otherwise, if you make a decision that isn't what they asked for, they can feel angry and powerless. To address this concern, you might say something like

*We (the parents) are working on the parenting schedule together. Is there anything that is really important to you that we take into account? We will do our best, but if it's not possible for us to accommodate what you are asking for, we will let you know.*

In some situations, even when given the opportunity, children may not want to provide their opinion. That's O.K. too.

Listening to your children's views doesn't mean that you ask them who they want to live with. This can make children feel like they have to choose between you and the other parent. Listening to your children means that you ask them about things that are important to them and could affect the schedule. For example, are there activities that are important to them and which they want to continue (for example, hockey)? Are there special activities that they like to do with each parent? Is spending time with friends a particular priority for them?

It's really important that children don't feel pressured or coached to express a particular point of view. It's a good idea to let them know that they can be honest with you about their feelings and needs. You should emphasize that they don't need to think they're "taking sides" or choosing one parent over the other.

You should be prepared that there may be times that they say things that you don't expect or agree with. The key is to listen to what they have to say and to consider it.

You should also know that sometimes your children may not want to tell you what they really think if they believe it will upset you. Sometimes, children may tell you what they think you want to hear.

Sometimes, if they're afraid to upset you, your children may find it easier to speak with a neutral third party. Whether they speak directly to you, or to you with the help of someone else, your children's views can help in your discussions with the other parent.

If you are negotiating an agreement with the other parent, one—or ideally—both of you can speak with your children about

- how things are changing
- what is important to them
- whether they have any thoughts about the arrangement you're making for them

This is more effective than asking them which parent they want to live with.

You may also include your children's views in the mediation or collaborative law process. It's a good idea to speak with your mediator, or the collaborative law team to decide if it would be possible or appropriate in your situation. For example, it may be possible for your children to share their views with the mediator, who will then share them with you and the other parent as part of the discussions.

If you ask a judge to decide on the best arrangement for your children, there are a few ways that the judge can take your children's views into account. These include

- ordering an **assessment**
- having a lawyer for your children
- having the judge interview them

An assessment is where a social worker, psychologist, or psychiatrist gathers information about your family for the judge. The assessment is a professional evaluation about the best interests of your children. The assessor may speak with your children to find out their views and may see how your children interact with each of you, depending on the type of assessment.

## **Which option would work best in my situation?**

Ask yourself the following questions

1. How much conflict is there between you and the other parent? Will you be able to co-operate to resolve the issues?
2. How quickly do you want to resolve the issues?
3. Do you want to control the process yourself, or are you willing to give up control to others (for example, a judge)?
4. Has there been family violence, or abuse? Are there issues of control?
5. How much money do you have to spend on the process?
6. How will your children's views be included in the process?

## **Making changes to an agreement or court order**

Sometimes, after you have come to an agreement or a court order, the situation changes, and the arrangement doesn't work for your children anymore.

For example, perhaps when you made your original arrangement

- your children were one and three. Now they're seven and nine and involved in competitive hockey. The parenting schedule in your agreement just isn't practical.
- you and the other parent lived in different cities. You're both now in the same city, which allows the children to spend a lot of time with each parent.
- you and the other parent weren't able to communicate well about the children, and so each of you was made solely responsible for different decision-making responsibilities (for example, one had responsibility for health and education, the other religion). Your communication is now much better, and you could make all important decisions jointly.
- you were both able to care for the children well. But now, the other parent has an addiction and there are safety issues when the children are in their care.

If you have an agreement, you and the other parent can decide to make changes to that agreement. If you are having trouble agreeing to the changes, you may wish to try one of the dispute resolution methods discussed earlier in this Section, for example mediation. If this doesn't work, you will need to explain the situation to a judge who will make the decision.

If you have a court order that's no longer working for you and the other parent, it's a good idea to try to reach an agreement with the other parent about the changes that should be made. You can have the changes that you agree to set out in a new court order, which would make them legally binding. This can avoid problems and confusion, in case disputes come up in the future. Because you would both consent to the court order, it's a simpler process than if you didn't agree.

If you have a court order and you and the other parent cannot agree on if or how it should be changed, you will need to apply to the court and ask a judge to change it.

It's important to remember that if you go to court, a judge will decide which arrangement they believe is in the best interests of the child.

If you think that you need to change your order or agreement, it's a good idea to speak with a lawyer.



# Section 6

## *Special issues*



## Family violence

Family violence happens when children or adults are abused in a family. The abuse can be physical, sexual, financial or psychological. Neglect can also be a form of family violence.

Physical abuse includes

- pushing or shoving
- hitting, slapping or kicking
- pinching or punching
- strangling or choking
- stabbing or cutting
- shooting
- throwing objects at someone
- burning
- holding someone down for someone else to assault
- locking someone in a room or tying them down
- killing someone

***If you or your children  
are in immediate danger,  
call the police.***

Financial abuse includes

- taking your money or pay cheques without your permission
- not giving you money for things you or your children need, like food, shelter or medicine
- making you sign documents to sell things you don't want to sell
- forcing you to change your will

Psychological abuse includes

- threatening to hurt you or your children
- threatening to destroy your property or your children's property
- threatening to hurt you or your child's pet
- stalking you or your children

Neglect includes

- not giving you or your children proper food, clothing or shelter
- not giving you or your children appropriate medical care

Sexual abuse includes any unwanted sexual contact between a person and another adult or a child. There are special laws to protect children from sexual abuse and activities that exploit them and you can find information on these at [www.justice.gc.ca](http://www.justice.gc.ca) by clicking on “Criminal Justice,” then “Family Violence,” then “Publications” and then “Child Abuse is Wrong.”

All forms of physical and sexual abuse are crimes in Canada. Some forms of psychological abuse, financial abuse and neglect are crimes in Canada.

Although there are types of family violence that are not crimes, they’re still harmful and can sometimes be signs that the behaviour will get worse. These include yelling at or humiliating a family member. It also includes controlling behaviour (for example, trying to keep a person from friends and family). Even if a particular form of violence is not criminal, it’s still important to consider it when thinking about what’s in your children’s best interests.

Family violence can be serious, and sometimes fatal, for victims. Safety needs to be your priority and you may need a safety plan.

**If you or your children are in immediate danger, call the police.**

### ***How family violence affects children***

Children who live with family violence are at risk for both short and long-term harm.

Abused children can suffer physical and psychological harm. They can also have short and long-term emotional, behavioural and developmental problems. For example, they may

- feel anxious, scared or insecure
- have problems at school
- have fewer social skills than their peers

Children can also suffer emotional abuse from seeing or hearing violence between other family members. Even if they aren’t hurt themselves, they can have emotional, behavioural and developmental problems. These problems can last a long time. They’re also at risk of developing **post-traumatic stress disorder**. Children can be deeply affected by seeing the results of violence (for example, seeing bruises on a family member, or knowing that one parent is scared of the other).

Research suggests that children have high levels of stress if they're victims of family violence themselves or if there is family violence in their home. This stress can shape their brain development and affect them for life.

### ***Parenting arrangements when there is a history of family violence***

Every family member needs to be safe. If you're worried about family violence, it's important to take it into account when you make parenting arrangements. Remember, your children may see or hear family violence even if you and the other parent don't live together. For example, if you put in place a parenting schedule where you and the other parent have to see each other, is there a risk for family violence? If so, you may want to consider a different parenting schedule which does not require face-to-face contact.

It's important to think about the nature and history of the family violence. Some types of family violence are more serious than others from the perspective of making a parenting arrangement. For example, in one case a parent may be physically violent to the other over a long period of time. They may also be emotionally abusive and try to control the other parent. In another case, there may be only one time where both parents pushed each other.

Consider your situation carefully before you decide what type parenting schedule is best for your children. If you are worried about your safety or your children's safety, here are some options for you to think about

- *Supervised exchange*, where parents pick up and drop off the child with a third person there. It's possible to stagger pick-up and drop-off times so the parents don't see each other.
- *Supervised parenting time*, where a parent and child spend time together in the presence of a third person.
- *No contact* between a parent and child.

Some communities offer supervised access or exchange programs. The *Directory of Resources* at the end of this document has links to information about family justice programs and services across Canada.

You should note that it's rare for a judge to order that a parent have no contact with a child. Judges will only make "no contact" orders in extreme cases. These are generally cases where the judge believes that a child or parent is in danger. Or, they are cases where the judge believes that a parent may try to abduct a child.



Where family violence has been an issue, you need to take it into account when considering who will make decisions about your children. For example, if one of you has been violent towards the other, and there are ongoing safety concerns, you may find it hard to make decisions jointly. This could give one parent a way to continue trying to control the other parent.

### ***Dispute resolution when there is a history of family violence***

Some types of dispute resolution may not be appropriate when there has been family violence. This is true when one of you feels unsafe around the other, or if one of you tries to control the other. For example, you may not be able to meet face-to-face with the other parent in mediation, and will need to look at other options.

For more information about dispute resolution options, please see *Section 5: Options for Developing a Parenting Arrangement*. If you have a lawyer, you should tell your lawyer about your concerns. In some cases, it may be necessary to go to court.

If you're going before a family court judge, don't assume that they will know about other cases involving members of your family. It's important to let your family lawyer and family court judges know about any criminal or children protection cases. You should also let the Crown counsel in the criminal case and the child protection agency know about the family law case.

If you are registered with a Maintenance Enforcement Program (MEP) or plan to register with a MEP, you should also let them know if there are safety issues. They will take this into account when making decisions about how to enforce support.

### ***What to tell the kids when there is a history of family violence***

It can be hard to know what to say to your children when the other parent has been violent.

You may wish to speak with a social worker or psychologist to come up with the best response in your situation.

Your children may feel angry or be afraid of the other parent. Or, your children may still feel—or want to feel—connected to the other parent. In other cases, your children may feel angry with you and side with the parent who has been violent.

When you talk with your children about the other parent, it's important that you say only what you need to. Your children don't need to hear a lot of details. It's a good idea to remain as neutral as possible.

For example, if the other parent's time with your children is being supervised due to safety concerns, avoid saying things like

*Your mom is a bad person. She's a bully who beats people up to get her way. She's dangerous and you can't be alone with her.*

You might try something like this instead

*Your mom is having problems controlling her temper and sometimes she hits people. That can be scary and it can hurt. To make sure everyone feels safe, Barbara is going to be there when you spend time together.*

It's important to be as honest as possible with your children, and their safety must come first. But before you give your child information related to the family violence, ask yourself if your children really need the information. If so, is it possible to say it objectively?

### **Family violence resources**

There are many people and organizations that can help you and your children. You may be able to get help from a lawyer, social worker, **counsellor**, support group or your local shelter or transition house. In addition, child protection services are available in each province and territory and can help you meet the needs of your children in cases of family violence. The *Directory of Resources* at the end of this document has links to resources for victims of abuse across Canada.

## Magda's story

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**M**agda had reached her breaking point. Things could not go on like this. It had started a couple of years ago, right after their daughter, Alicia, was born.

Alicia wasn't a good sleeper, and Magda and Eric had been so tired. One night, when Alicia had kept them up until 3:00 a.m., Eric had called Magda names like "fat," "stupid" and "lazy." She was shocked by it, but put it down to sleep deprivation.

But it didn't stop. In fact, it got worse. Eric had begun pushing her, and throwing things when he was angry. Then he had started kicking Magda's dog. The worst part was that sometimes Alicia was in the room when he did those things. She was too young to understand what he was saying, but she could sense the conflict and would start crying. Her crying just seemed to make Eric even more upset.



One day Eric twisted Magda's wrist and broke it. When Magda went to the hospital, she was too scared and embarrassed to tell the doctor that Eric had hurt her. So she told her instead that she had fallen.

A few days later, Magda told a friend what had really happened. Her friend told her to speak with a family law lawyer. Magda pretended she was visiting her mother, and went to see the lawyer. She told him what was happening, and that she was afraid for herself and for Alicia. The lawyer told her about her legal options, and what they could do to try and protect her and Alicia. He told her to contact the police and that child protection services would also want to make sure that Alicia was safe. He also told her where she could find services in her community to help her.

Magda knew it would be hard to leave Eric, but she had to protect herself and Alicia.

Magda's lawyer helped her apply for an order and the court considered everyone's safety in deciding what was in Alicia's best interests. Now when Eric has time with Alicia, the exchanges are supervised and Eric and Magda don't see each other. ❧

## **When one parent wants to move away**

Sometimes one or both parents may want to move away from the area where they were living when they were together. Some of the most common reasons that people move are

- for a new job or to improve their financial situation
- because of a new relationship (for example, a new partner lives somewhere else)
- to be closer to family

A person may want to move away from their former partner where there are safety issues due to family violence.

Sometimes one parent wants to move very soon after separating. Other times, a parent doesn't think about moving until much later.

### ***If you are working out your parenting arrangement***

When you're working with the other parent to develop a parenting arrangement, it's a good idea to think about future moves. What you will do if one parent wishes to move away, either by themselves, or with the children? Even if you believe that it's not likely to happen, it's important to think about it.

There are different types of moves. For example, moving from one street to another in the same city will not likely affect the parenting schedule. Other moves, like moving to another community or province, could affect the children's relationship with a parent or other people who are important to the children.

You may want to agree that a parent who is planning a local move must tell the other parent in advance. There are practical reasons to do this. For example, the other parent must know where to pick up and drop off the children.

For other moves, like to another province, here are some examples of some issues you may want to address:

- Should a parent who wants to move have to give notice? Or only if the parent wants to move with the children?
  - How much notice should a parent give? Should it be 60 or 90 days before the move?
  - Who should the parent give notice to? Should they give it to the other parent? Should they also give notice to other people who are important to the children, like grandparents?

- What information should the parent include in the notice? Should they include the new address, new contact information, date of the move, and proposed new parenting arrangement?
- Will a parent need the other parent or a judge to agree before they move? Or, will the parenting plan clearly say that one parent can move with the children?

Think about what would be most practical in your situation and would work best for your children.

***If you or the other parent have plans to move***

In most cases, a parent who wants to move away with the children will need to get the other parent to agree or will need to ask a judge for permission. If one parent takes or keeps a child without the other parent’s permission or a court order allowing it, they might be abducting the child. Abduction is a crime in Canada. If you have questions about what your **agreement** or **court order** allows you or the other parent to do, you should speak with a family law lawyer.

If you have a court order or formal agreement, it might say how much notice you must give the other parent. If it does, you **must** give as much notice as it says. Even if your agreement or order does not specifically mention the issue of notice, you should tell the other parent well in advance about your plans to move. This will give you and the other parent a chance to discuss how the proposed move may affect your children and the parenting arrangement.

If you or the other parent is thinking about moving away with your children, here are some things you will want to discuss

- How would the children maintain a relationship with the other parent?
  - Will the parent who isn’t moving or the children travel so they can spend time together?
  - How much would the travel cost and who would pay for it?
  - Would the parent who isn’t moving have extra contact by telephone, e-mail or video conferencing?

**Abduction**

Parental child abduction occurs when one parent or a guardian takes or keeps a child without either the legal right to do so or the permission of the other parent. Child abduction is a crime in Canada. An exception may apply when a parent takes the child to protect them from immediate harm.

If you believe that your child has been abducted (whether taken somewhere else in Canada or outside the country) or may be abducted, see the *Directory of Resources* at the end of this document for helpful links and information.

- How would the move be good for your children? For example
  - Would your children get a better education?
  - Would the parent who is moving have a chance for a better job, a better education, or be closer to family for support?
- How would the move be difficult for your children? For example, would it be hard for them to move away from friends, family, school or daycare?

Talking to the other parent may allow you to come to an agreement about the issues. If you and the other parent agree on the move, it's a good idea to update your agreement or court order.

These can be very complex situations. You should speak with a family law lawyer to get advice on your situation. This is particularly true if there has been family violence and there are ongoing safety concerns.

It's important to check your provincial and territorial legislation to see if it contains any specific rules about moving away with children. Where the provincial and territorial legislation applies, you will want to follow these rules and to make sure that your parenting plan complies with them. For example, if you live in British Columbia, you should know that the *Family Law Act* requires parents to meet certain conditions.

### **If you're moving off-reserve**

If you're living on-reserve and moving off-reserve, you may wish to contact the local Friendship Centre for services that may be available to you. Friendship Centres can help Aboriginal people move from rural, remote and reserve communities to towns and cities. For many, Friendship Centres are the first place to go for information about Aboriginal programs and services. The *Directory of Resources* at the end of this document has links to information for Aboriginal Canadians.

## Following the terms of your agreement or order

Sometimes, one or both parents don't follow the terms of an **agreement** or **court order**. For example, one parent may

- prevent the other parent from having time with the children
- fail to honour the schedule for their time with the children
- make it hard for the other parent to spend time with the children by doing things like
  - not having the children ready on time
  - claiming the children are sick when this isn't the case
  - scheduling the children for extracurricular activities during the other parent's scheduled time with the children without the other parent's consent
- reduce the time they're supposed to spend with the children by doing things like showing up late for pick up or dropping the children off early

### ***What can I do?***

It can be harmful to the children's best interests when parents don't follow an order or agreement. The law requires you and the other parent to follow the terms of your legal agreement or order.

If the other parent isn't following your agreement or order, you should always try talking with the other parent first. Try to find the reason for the problem. Maybe there is a misunderstanding, or maybe the other parent has a concern that you can work out together.

If you can't work out the problem by talking to the other parent, there may be family justice services that can help you. For example, you may want to look for parent information sessions or mediation. You will find links to resources in the *Directory of Resources*.

Another service you may find helpful is parenting coordination. A parenting coordinator helps parents follow their parenting plan. If a problem comes up once a parenting plan is in place, the parenting coordinator will first try to help the parents agree on a solution. For example, they can help you decide what happens to the schedule when a child is sick. If you can't agree, the parenting coordinator will decide for you. Parenting coordination is a private service, and you would have to pay for it.

You may also wish to speak with a family law lawyer about what you can do to solve the problem.

### **Remember ...**

*Don't talk about these issues in front of your children. It's important to keep your children from the conflict. Don't let them feel like they're stuck in the middle.*

# Sandra misses her Dad

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Sandra started to cry as soon as she put down the phone. Another month would go by without seeing her dad.

“This weekend just doesn’t work for me—next time, I promise.” He was stuck at work. He was busy with his new wife and child. He was meeting an important client. There was always an excuse.

When her parents had told her they were getting divorced, Sandra’s father had moved out the same week. The whole family had gone to court. There were lawyers and a judge. Sandra had even had the chance to tell the judge how much she wanted to keep seeing both her parents. She couldn’t imagine living without them both. The judge had decided that Sandra would live with her mother, and that she would see her father one night a week and every Saturday.



But that was years ago, and every Saturday had turned into every second Saturday and then once a month, if she was lucky. When she did go to her Dad’s house, he was focused on his new wife and baby. He would tell her, “We’ll spend some one-on-one time later.”

But it never happened. They never read the comics together, like they used to. He no longer helped her with her math homework. They didn’t go to the market to buy ingredients for Saturday night dinner anymore. In fact, they didn’t even eat dinner together because he was always out with her stepmom. When she complained to him about it, he called even less.

She tried to convince herself that she didn’t care. But she did. She loved her dad and she missed him.

Then one Saturday when her dad had cancelled their visit, her mom found her crying in her room and asked what was wrong. When Sandra told her how she felt, her mom was surprised that Sandra was so upset. She had assumed that since Sandra had never said anything to her, she didn’t care. On Monday morning, her mom called a family counsellor and explained the situation. Sandra met with the counsellor and told him that she really loved her dad and missed him. Sandra asked her mom to call her dad and to tell him that Sandra wanted him to attend counseling with her. This was a difficult call for both Sandra’s mom and dad. Her dad felt bad that Sandra was upset, but he was happy that she still wanted to spend time with him. He agreed to meet with the counsellor to come up with a plan they could stick to. ♪



# Hassan—Making Mom happy

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**H**assan felt guilty leaving his mom. When his parents had separated, the judge had decided that he would spend every second week with his dad. But his mom always got so upset when it was time for him to go.

“He doesn’t miss you like I do—he wouldn’t have moved out if he did!” his mother said. “He barely even calls when you’re here!” Hassan felt bad about leaving, like he was abandoning her. She would be all alone without him, and he knew she really missed him. And what if what she said was true? What if his dad really didn’t want him there? Is that why he had moved out? How could it be true? He and his dad always had a great time together.

“If your father hadn’t gotten lawyers and judges involved then we wouldn’t have this stupid court order that takes you away from me half the time!” she said.

Hassan felt sad and confused. He began making excuses about why he couldn’t go to his dad’s place, or why he should come home early. That seemed to make his mom happy.

But deep down he missed his dad, and it really seemed that his dad missed him too. His dad started talking about going back to court to make Hassan’s mother follow the court order. That didn’t seem like such a great idea to Hassan—how was a judge going to make this better? He felt stuck.

Then his mom’s friend told her about an information session for divorcing parents. She went to the session and got lots of helpful information. It helped her see how it was best for Hassan to have a relationship with both parents.

After that—even though it was hard for her—she encouraged Hassan to see his father. She told Hassan it was important for him to spend time with his dad. It took some time and convincing, but Hassan started spending every second week with his dad again. ♪



## **New relationships and blended families**

### ***New relationships***

At the early stage of a separation or divorce, you may not be thinking about a new relationship. But, it may happen in the future. Entering into a new romantic relationship can make parenting more complicated.

If you are considering entering into a new relationship, it's a good idea to reflect on where you are in terms of dealing with your separation or divorce. You will also want to consider how your children are dealing with the separation or divorce.

It's important to think about the new relationship from your children's perspective. If you are entering into a new relationship, you may want to consider the following

- It may be best to introduce your children to a new partner only when the relationship is serious. Stability is really important for children, and it can be confusing and difficult for them to get close to a new partner who then quickly disappears from their life.
- Slowly introduce your new partner. Shorter meetings at first may be best.
- Don't be surprised if your children don't warm up to your new partner right away. Give your children the opportunity to let you know how they're feeling. They need to feel that you're listening to them.
- Children may be worried that your new partner will replace them. Reassure them that you'll always love them and that they're an important part of your life. It can help to schedule one-on-one time with your children, without your partner.

### ***Your new relationships and the other parent***

Depending on how long you have been separated and how each of you is dealing with the separation, a new relationship may initially be difficult for the other parent. A new relationship sometimes signals the "real end" of a relationship, since it shows that one parent is moving on. As a reaction to this, it is possible that in the short term, the other parent may become less cooperative. Listen to their concerns and try to be respectful of how they are feeling.

For example, if you are doing a joint birthday party soon after the separation, it may be best not to bring a new boyfriend/girlfriend. Similarly, it sometimes causes conflict when a new partner is involved with picking up or dropping off children.

Over time, things will generally get easier.

### ***Step-families and blended families***

Combining two families (two parents and sometimes two sets of children), into a new **step-family** is becoming more common. Creating a successful step-family can be complicated. It requires the “buy-in” of each family member and takes time.

In some stepfamilies, the step-parent may not have been a parent before. For this person, parenting will be a new role. In **blended families**, where there are two sets of children, each parent may have very different parenting styles. They may also have had very different experiences and approaches to parenting in their previous family. No matter how the step-family is made up, it will involve changes for everyone:

If you are a parent or stepparent in a blended family, you may want to think about the following points.

- As a parent, you need to remind your children of their special place in your family and that you still love them. One-on-one time is important.
- New partners can become a very important part of a child’s life, but they do not replace your child’s mom or dad.
- Step-parent and child relationships take time to develop. Everyone needs to be patient and realistic.
- Both parents and step-parents should decide family rules, with input from your children as appropriate. Tell your children that they’re providing input, not making the decisions. Your children may have trouble accepting rules they believe are coming from the step-parent—“he’s coming in here and changing everything.” At least in the beginning, step-parents should let parents decide on bigger issues like discipline.
- Step-sibling relationships take time to develop. Not all step-sibling relationships will be the same. Children need time to be alone with each other to work out what their relationship will be.
- Treat all children fairly, and make sure that the same rules apply to everyone.
- Encourage your children to be open about how they’re feeling.

Family meetings are one way to encourage discussion and to involve all family members in decision-making. You can use family meetings to talk about rules, chores and to resolve problems that come up. You can also use them just to talk, spend time together and to plan family activities.

## *Juan meets Julia*

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**J**uan and Maria separated when their only child, Xavier, was four. Although they couldn't live together anymore, they were able to maintain a good co-parenting relationship for Xavier's sake.


Things went smoothly until Xavier was eight years old. Then Juan met Julia. Julia had been separated for two years and had a ten-year old daughter, Mia. Julia and Juan started spending time together.

At first they only met for coffee every couple of weeks. After a few months, they knew they were starting to have deep feelings for one another. They started to meet for dinner and then began spending quite a bit of time together. They talked and decided things were getting serious enough that they should meet each other's children.



Before introducing Xavier to Julia, Juan spoke to Maria about it. He was really surprised at her reaction. Maria was angry and said that it wasn't fair to do this to Xavier; he really needed all of his father's attention. Juan wondered if this was really about Xavier, but he agreed to wait a couple of more months before introducing Julia to Xavier. To keep the peace, he also promised that the first few meetings would be short.

Two months later, Maria had gotten used to the idea. Xavier really liked Julia and was happy that she liked sports as much as he did. He had more trouble getting along with Mia though. Mia was still angry about her parent's separation and saw this as just one more imposition on her life. At times, she wasn't very nice to Xavier.

Julia and Juan realized that this was going to be harder than they thought. They started looking for a step-parent support group and encouraged the kids to talk to them about how they were feeling. They decided to keep taking things slowly. 

# Appendix A

*How children react at  
different ages and stages*



Every child is unique and will react to separation or divorce differently. How your child reacts can depend on

- your child’s personality and temperament (for example, at pickup and drop-off some children find it easier to separate from an adult than other children do)
- your family’s history
- your child’s circle of friends, school environment, community

Research tells us that a child’s age and stage of development is an important factor in how they react to their parents’ separation or divorce. This section provides some information about how children may react at different ages and stages.

You will also find information about how children handle separation and divorce at different ages and stages, in *Because Life Goes On . . . Helping Children and Youth Live with Separation and Divorce* under “Health Promotion” on the Public Health Agency of Canada website at [www.phac-aspc.gc.ca](http://www.phac-aspc.gc.ca).

## Key factors for all ages

No matter your children’s ages, though, there are three things that are important for them:

- **Reduce conflict with the other parent.** If conflict does continue, protect your children from it.
  - For example, don’t say negative things about the other parent to your children.
  - For younger children it is important to remember that just because your child doesn’t understand the words, doesn’t mean that conflict won’t affect them.
- **Given that single parenting has different challenges, focus on strengthening your parenting skills.**
- **Provide your children with both support for and the opportunity to have a relationship with the other parent.**

Try to find effective ways to communicate with the other parent about what is going on in your children’s life. For example, you may try to communicate through conversations or e-mail. Effective communication can help make sure that your children don’t “play” one of you off the other. In addition, because of the challenges facing teenagers, it is particularly important to be aware of what is going on in their lives.

You may have questions about your children's reaction to your separation or divorce. You or your children may find it helpful to speak to a counsellor, elder or religious advisor. This can help you to decide if there are any big issues you should be worried about, and if you need to get your children extra help.

## **Infants and Toddlers: Birth to age 2**

At this age your child depends on you for their physical and emotional needs. Your child's attachment to caregivers and other significant people in their life is important to their healthy emotional and psychological development.

Infants and toddlers have a limited understanding of their world. They will not understand that you're separating or divorcing. But they will feel it when you're upset or in conflict, and they will react to this. Their early experiences can influence them later in life.

Infants and toddlers need predictable caregiving and routines. They need nurturing and emotional connections with you and other caregivers. Routines may not be exactly the same in each home, but the more predictability there is for children, the easier things will be for them.

What you should watch for in your infant or toddler

- problems with sleeping, eating, toilet training
- delays in development or temporary setbacks from milestones already reached (for example, in development of language skills) clinginess or difficulty in separating from you, or withdrawal from social interaction
- crying, irritability, tantrums.

How to help your infant or toddler

- Reassure your child that you love them and that you will always take care of them.
- Ask caregivers to let you know if they notice changes in your child.
- Introduce any changes to routines as gradually as possible.

## Preschoolers: Ages 3 to 5

At this age, your child is growing very quickly both physically and emotionally. But they may not yet understand separation or divorce.

Children at this age see themselves as the “center” of the universe. They believe that they have control over, or are the cause of, what happens around them. Because of this, they may believe that the separation or divorce is their fault. They may believe they caused their parent’s sadness.

At this age, children begin to develop a separate relationship with each of their parents.

Preschoolers can’t always tell the difference between what’s real and what’s imaginary. So, they can be confused about what is happening. They may believe that Mom or Dad is leaving *them*.

At this stage, children can generally deal with more changes to their physical and social environment than infants, but they still need predictability.

What to watch for in your pre-schooler

- fear of being abandoned by one or both parents
- delays in development or temporary setbacks from milestones already reached (for example, in toileting)
- clingy, emotionally needy behaviour or withdrawal
- increased anger, crying, tantrums, whining
- physical complaints (headaches, stomach aches).

How to help your pre-schooler

- Maintain consistency in their routines and caregivers (as much as possible).
- Tell them “I love you” and show them lots of affection.
- Reassure them that you are not leaving them.
- Help your child identify their feelings and reassure them that their feelings are O.K.
- Give them clear and simple explanations of what is happening, appropriate to their age and stage of development. Children at this age do best when they are given some facts at the beginning, with more information given over time.
- Ask teachers and caregivers to let you know if they notice changes in your child.



## School-age children: Ages 6 to 8

At this age, your child is beginning to expand their social network outside the family. Your child may feel guilty because they think they caused the separation or divorce. They may tend to take one parent's side over the other. Developmentally it is difficult for them to see more than one perspective at a time. They may also fear losing their relationship with one of their parents.

Children at this age can think more abstractly. They may feel sad and worry about the future. They may wonder where they will live, who will take care of them, and what their place in the family will be. They may also have fantasies about their parents getting back together.

What to watch for in your school-age child

- sadness, crying, grief, denial, withdrawing
- tantrums or acting out
- difficulty playing and having fun
- regression (for example, a return to earlier sleeping or eating behaviour)
- physical complaints (headaches, stomach aches)
- fear of losing an absent parent
- feeling loyalty conflicts

How to help your school-age child

- Tell your child that you still love them and will always take care of them.
- Reassure them that they have not done anything wrong and that there is nothing they can do to get their parents back together.
- Ask teachers and caregivers to let you know if they notice changes in your child.
- Give them information appropriate to their age and stage of development about what will change (for example, where they will live, arrangements for time with each parent, any changes to their routine).
- Let them know that their perspective is important, but that the parents will make the decisions.
- Give them opportunities to talk about how they are feeling.
- Give them opportunities to hear about other children who have gone through separation and divorce.

## Pre-teens: Ages 9 to 12

Your pre-teen is becoming more independent. They are focusing more on their friends and the world outside their family. But they still need their family for emotional support and guidance.

Pre-teens are able to see the separation or divorce as an adult issue, but they may still be angry with their parents. They often see the world in absolutes—black or white, good or bad, right or wrong.

Pre-teens may react in different ways. They may

- feel torn between their parents, or
- try very hard to maintain good relationships with both parents, or
- be angry and hostile to one or both parents

Pre-teens want to be treated like adults. When you're going through a stressful time, you may be tempted to treat your child as your friend and rely on them for support. While pre-teens may want to play this role, it's not appropriate for them to take on this level of responsibility. In the long term, this can cause them emotional problems.

What to watch for in your pre-teen

- social withdrawal, difficulty with peers, becoming involved with a new peer group
- strong anger or aggression
- physical complaints (headaches, stomach aches)
- shame or embarrassment about the separation or divorce
- blaming a parent they believe caused the divorce
- trying to “take care of” the parent who they believe is more vulnerable
- taking on too many responsibilities (for example, acting like a “parent”)

How to help your pre-teen

- Listen to your pre-teen's feelings and concerns—try to stay open-minded and don't judge.
- Don't lean on your pre-teen for emotional support.
- Don't give your child responsibilities that are inappropriate to their age and stage of development (for example, too many childcare or household responsibilities).

## Teenagers: Ages 13 to 19

Your teenager is becoming more independent. They identify more with their peers. They're forming an identity that is separate from their family. The teen years can also be confusing for them as they adapt to physical and social changes. They need lots of emotional support from their family.

Teenagers may feel a range of emotions about the separation and divorce. They may be surprised that it's actually happening or they may feel angry that their parents "couldn't try harder."

Some teenagers may be in their first dating relationship. If not, they may be thinking more about dating. Their parents' separation or divorce may cause them worry or anxiety. They may be wondering if

- relationships are worth the trouble if they aren't going to work out anyway
- their relationships will fail
- they should trust someone enough to be in a relationship with them

If your teenager already has a difficult relationship with you or the other parent, it's possible that the separation or divorce can make the conflict worse.

Your teenager may have very concrete worries about how the separation or divorce will affect them. They may wonder how much support, including financial support, you'll be able to offer. They may wonder how their schedule will change. Friendships are important to them, so they may worry they will have to change schools. They may also worry that they won't have much time for friends or activities.

It's really important to listen to your teenager's views about new schedules. But don't put them in the middle of any conflict between you and the other parent about this or any other issue.

What to watch for in your teenager

- anger, avoidance, shame, sadness
- depression or sadness
- changes in sleep patterns
- grief reactions
- significant changes in behaviour
- acting out through sex, crime, drugs

- feeling pressured or hurried to become more independent
- worries about relationships
- changes in their attendance, behaviour or performance at school

#### How to help your teenager

- Provide opportunities for your teen to talk about their emotions, concerns, complaints.
- Discuss the practical issues (for example, changes to routines, living arrangements) honestly and directly with your teen.
- Allow your teen to provide input into their schedule—make them part of the discussion; remind them, however, that the parents will make the decisions.
- Adjust to their schedule—teens have a lot of demands on their time.
- Don't lean on your teen for emotional support.
- Don't put your teen in the middle of your conflict with the other parent.
- Support your teen's appropriate friendships and peer activities but have clear expectations and limits.

# Appendix B

*E-mail etiquette  
for separating and  
divorcing parents*



**Y**ou and the other parent can use e-mail to discuss issues affecting your children. It can be a convenient and practical way to exchange information. But it can also lead to misunderstandings if you are not clear. When we communicate in person, we often use non-verbal cues (smiles, frowns, tears, tone of voice) to signal our feelings. E-mail takes away those cues. While that may help in cases when our emotions are too strong, it can also cause problems if the words alone can be read in different ways.

Here are a few tips to keep in mind.

1. Keep your e-mails short and to the point. If you have more than one issue to discuss, try numbering each issue to make it easier for the other parent to follow your points.
2. Use subject-lines. This can help both of you keep track of e-mails on different issues.
3. Do not type in CAPS. This means that you are SHOUTING!
4. Be courteous in your e-mails—*please, thank you* and a friendly tone can go a long way.
5. Try to keep your e-mails about parenting issues separate from e-mails on financial issues. These are different issues which should be addressed separately.
6. If you are feeling emotional when you need to write an e-mail (perhaps you have just received a very upsetting e-mail), walk away and take some time to reflect. Re-read the e-mail you have received to make sure that you have not read something into it that is not there. Write your e-mail when you have a clear mind.
7. Try to stick to the facts. Avoid criticizing the other parent.
8. Don't ignore e-mails from the other parent. Respond promptly and briefly when a response is required. Even if the other parent is simply providing you with some information and a response is not strictly required, it is good etiquette to at least acknowledge the e-mail. For example: "I'm going to take Emma to my parent's house for dinner." Response: "Thanks for letting me know."
9. Your e-mails should only be addressed to the other parent. New spouses, other family members or friends should not be included on your e-mail exchanges.
10. Remember: E-mails are a record of your communications. Write your e-mails as if a third person were reading it.

# Directory of resources



## **Divorce Act**

You can find more information about parenting arrangements, child support and other family law issues on the Family Law Section of the Department of Justice website at [www.justice.gc.ca](http://www.justice.gc.ca).

You may also contact the Department of Justice at:

Department of Justice Canada  
284 Wellington St.  
Ottawa, ON K1A 0H8  
Toll-free: 1-888-373-2222  
National Capital Region: 613-946-2222

## **Provincial and Territorial Information**

You will find links to the provincial and territorial government departments responsible for laws related to **parenting arrangements** and **child support** on the Department of Justice website at [www.justice.gc.ca](http://www.justice.gc.ca) under “Family Law.”

## **Information about Family Justice Services available in your jurisdiction**

For information about **family justice services** in your province or territory, such as parent information, mediation, child-support recalculation services or supervised access, please see the *Inventory of Government-based Family Justice Services* at [www.justice.gc.ca](http://www.justice.gc.ca) under “Family Law,” then “Family Justice Services”.

To find contact information for the provincial and territorial programs responsible for **enforcing child support** orders and agreements, go to [www.justice.gc.ca](http://www.justice.gc.ca). Click on “Family Law”, then on “Enforcing Support” and then on “Maintenance Enforcement Programs.”



## Legal Advice and Information

If you need legal advice, you can contact a lawyer referral service or a legal aid office. They can help you get legal advice—sometimes for no fee or at a reduced fee. If you think that you might be interested in pursuing collaborative law, ask about lawyers who do this kind of work.

You can also contact a public legal education and information (PLEI) organization. PLEI organizations provide information to the public about many different areas of law, including family law.

You can find contact information for **legal aid** in your province or territory by searching for “legal aid” on the internet. You may also find contact information for the closest legal aid office in your telephone book.

You can find contact information for **lawyer referral services** in your province or territory “at [www.justice.gc.ca](http://www.justice.gc.ca) under “Helpful Links.”

You can find contact information for a **public legal education and information organization** in your province or territory at [www.justice.gc.ca](http://www.justice.gc.ca) under “Helpful Links.”

## Mediation

Each province and territory has mediation services available to couples who are separating. To find the service nearest you, please see the *Inventory of Government-based Family Justice Services* under “Family Law,” then “Family Justice Services,” at [www.justice.gc.ca](http://www.justice.gc.ca). To find the names of private mediators in your community, please search the internet for “mediator” or “mediation services” and your city or area. For example, search for “mediator Yukon.”

## Resources for Children

If you think that your child is having trouble adjusting to the separation or divorce, you may want to speak to your family doctor, or another trusted professional who can refer you to a counsellor who works with children.

You can also look for provincial or territorial programs in your area by going to [www.justice.gc.ca](http://www.justice.gc.ca). Click on “Family Law,” then on “Family Justice Services,” and then on “Browse Government Services.”

The Department of Justice Canada has a publication for children aged nine to twelve called *What happens next? Information for kids about separation and divorce*. It’s available at [www.justice.gc.ca](http://www.justice.gc.ca) under “Family Law,” then “Custody and Parenting” and then “Help for Kids.”

### **Websites for Children**

The province of British Columbia also has a website called “Families Change” which provides information to parents and children who are going through separation or divorce. You can visit this website at [www.familieschange.ca](http://www.familieschange.ca).

The Department of Justice Canada has a website on family violence for youth aged 10 and older. It provides information about family violence and the law in Canada. Go to [www.justice.gc.ca](http://www.justice.gc.ca), then “Criminal Justice” and then “Family Violence.”

### **Helplines or Distress Centres**

Helplines or distress centres may be able to provide you with helpful information and refer you to appropriate services for yourself and your children. For example, Kids Help Phone has a helpline for children (for more information, see [www.KidsHelpPhone.ca](http://www.KidsHelpPhone.ca)).

For other resources, you can do an internet search for “crisis line” or “distress centre” and your city or area to find one to help you or your children. For example, search “distress centre Manitoba.”

### **Income Tax Rules**

If you have questions about taxation and support payments, please see Canada Revenue Agency Form P102 at [www.cra-arc.gc.ca](http://www.cra-arc.gc.ca), under “Forms and Publications.” You can also contact the Canada Revenue Agency at 1-800-959-8281.

### **Child and Family Benefits**

The Canada Revenue Agency (CRA) administers child and family benefits, such as the Canada Child Tax Benefit, the Universal Child Care Benefit, and the Goods and Services Tax/ Harmonized Sales Tax Credit.

To find out more about the benefit and credit programs the CRA administers, visit the Child and Family Benefits Web page at [www.cra.gc.ca/benefits](http://www.cra.gc.ca/benefits), or call 1-800-387-1193.

### **Aboriginal Services**

You can find contact information about Friendship Centres across Canada on the National Association of Friendship Centres website at <http://www.nafc.ca>.

## **Services for Newcomers to Canada**

For information on services for newcomers to Canada, please see the Citizenship and Immigration Canada Directory of Newcomer Services at [www.servicesfornewcomers.cic.gc.ca](http://www.servicesfornewcomers.cic.gc.ca).

## **Resources for Victims of Abuse**

If you or your child has been a victim of family violence, you can find resource information on the Department of Justice Canada website at [www.justice.gc.ca](http://www.justice.gc.ca), under “Criminal Justice” then “Family Violence.”

## **Supervised Access**

For information on government-based supervised access programs in your area, please visit [www.justice.gc.ca](http://www.justice.gc.ca), and click on “Family Law” and then “Family Justice Services.”

## **Child Abduction**

### ***If you believe your child has been abducted***

Immediately contact your local police.

If you believe your child has been taken outside Canada, you can also go to the Government of Canada website at [www.travel.gc.ca](http://www.travel.gc.ca). Look under “International Child Abduction” for helpful resources.

### ***If you are concerned your child may be abducted***

You should raise your concerns with your family law lawyer and discuss various options. You may also want to alert your local police.

You can contact Passport Canada to add the name of the child on the Passport System Lookout, so if Passport Canada receives a passport application for your child, the system would create an alert. You can contact Passport Canada at 1-800-567-6868 (Canada and US Toll free) or visit [passportcanada.gc.ca](http://passportcanada.gc.ca) for more contact information.

If you believe your child may be taken outside Canada, you can also go to the Government of Canada website at [www.travel.gc.ca](http://www.travel.gc.ca). Look under “International Child Abduction” for other helpful resources.

You will find other helpful information in the Department of Justice Canada publication entitled, *Child Abuse is Wrong*. Go to [www.justice.gc.ca](http://www.justice.gc.ca), then search for “Child Abuse is Wrong” and look for the chapter entitled, “When a parent abducts their child.”

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We would also like to recognize the important work of federal, provincial and territorial officials, as well as a number of external family law experts, who took the time to review and provide input on the booklet and the *Parenting Plan Tool*.

## **Additional references**

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# Glossary



**These definitions may help you understand legal terms related to parenting. They are not legal definitions. For a legal definition of these terms, you may wish to consult a lawyer.**

**access** means a person is entitled to spend time with the child. Unless the court orders otherwise, under the *Divorce Act*, a parent with access is also entitled to ask for and be given information about the health, education and welfare of the child.

**agreement** means that you and the other parent come to a common understanding about your parenting arrangement. You can make this agreement legally binding, which means you are both required to follow the agreement. You can also have the agreement included in a consent order.

**arbitration** means both parents agree that they will allow another neutral person—the arbitrator—to decide their legal issues related to parenting. The arbitrator acts like a judge.

**assessment** means that a social worker, psychologist, or psychiatrist gathers information about family members to provide to the judge. The assessment is a professional evaluation about the best interests of the children. The assessor may speak with the children to find out their views and may see how your children interact with each of the parents, depending on the type of assessment.

### **best interests of the child**

Where parenting arrangements are made under the *Divorce Act*, they must be in the best interests of the child. This means an arrangement that will best encourage the child's development, happiness and success. There are many factors to consider in determining the child's best interests, such as

- the age and stage of development of the child
- any special needs the child may have
- the child's relationship with each parent
- the child's relationship with siblings, grandparents and other extended family
- care arrangements before the separation
- the child's wishes

- each parent's parenting abilities
- the ability of the parents to cooperate and communicate about parenting issues
- the child's cultural, linguistic and religious upbringing
- issues that may affect the child's safety and either parent's parenting abilities such as family violence, substance abuse, or serious mental health issues

**blended family** means a family with two parents who have children from different relationships, and may include a child of the current relationship.

**counsellor** means a person who is trained to provide advice or guidance on personal issues, such as parenting after separation or divorce. Counsellors may have different backgrounds such as social work or psychology.

**consent order** means that both parents agree on certain issues, and a judge will make an order based on the agreement.

**court order** means a decision by a judge that is written down. Parents must follow what the court order says. Court orders can be changed by going back to the judge and asking for a change, but only if there is a good reason.

**co-parenting relationship** means a relationship between parents who are separated or divorced, where the focus of the relationship is what is best for the children. There are many types of co-parenting relationships.

**collaborative law** means both parents, their lawyers and potentially other professionals, agree to work cooperatively to come to an agreement. During the collaborative process, both parents agree not to bring any court applications. There is an incentive to come to an agreement since if the collaborative process does not result in an agreement, the parents' lawyers cannot represent them in court, and both parents would have to hire new lawyers.

**custody** means both the parenting schedule for a child, and how decisions about the child will be made. When parents divorce, there are different types of custody: sole custody, joint custody, shared custody and split custody.

**dispute resolution** means various ways of resolving disputes between individuals. In the family law context, there are many types of dispute resolution: negotiation, mediation, collaborative law, arbitration, going to court.

***Divorce Act*** is the federal law that sets out the rules for legally ending a marriage.

**family justice services and programs** means programs or services intended to assist families in dealing with separation and divorce. Examples include: mediation, parent information programs, supervised access programs, and maintenance enforcement programs.

**family violence** means abuse against children or adults in a family. The abuse can be physical, sexual, financial or psychological. Neglect can also be a form of family violence.

**Federal Child Support Guidelines** are the regulations under the *Divorce Act* that apply when setting child support amounts. The guidelines consist of a set of rules and tables. The guidelines are the law.

**Federal Child Support Tables** are part of the *Federal Child Support Guidelines*. They show the basic amount of child support based on income. There is a separate table for each province and territory to reflect different tax rates between provinces and territories.

**joint custody** means that both parents have legal custody of the child and make major decisions about the child together.

**mediation** means a process in which a neutral third party helps parents come to an agreement about issues related to separation and divorce, such as their parenting arrangement. Mediators are not marriage counsellors.

**negotiation** means discussions to try and come up with a compromise or agreement about parenting issues. Parents may negotiate themselves, or they may negotiate with the assistance of their lawyers.

**parenting arrangements** means the arrangements parents make for the care of their children after a separation or divorce. This includes arrangements about where the children will live, and who will be responsible for making major decisions about issues such as where the children will go to school, their religious education, their medical care, their after school activities and so on. Parenting arrangements are referred to as “custody” and “access” in the *Divorce Act*.

**parenting coach** means a person who helps parents adopt new strategies, ideas and attitudes to parenting. Parenting coaches focus on the future and help parents adopt problem-solving skills.

**parenting plan** is a written document that outlines how parents will raise their children after separation or divorce.



**post-traumatic stress disorder** is a disorder triggered by a victim reliving a terrifying experience in which they were threatened with, or suffered, physical, mental or emotional harm. The most common symptoms are

- flashbacks, in which you re-live the terrifying experience
- nightmares
- depression
- feelings of anger or irritability

**sole custody** means that one parent makes the major decisions about matters such as the child's education, religion and health care. Generally, the child will live primarily with this person.

**shared custody** means that a child lives at least 40% of the time with each parent. This term is normally used in calculating child support.

**split custody** is an arrangement where

- one or more children live with one parent more than 60% of the time in the year, and
- one or more children live with the other parent more than 60% of the time in the year.

This term is normally used in calculating child support.

**step-family** means a family where at least one of the parents has a child from a previous relationship.

# Notes

