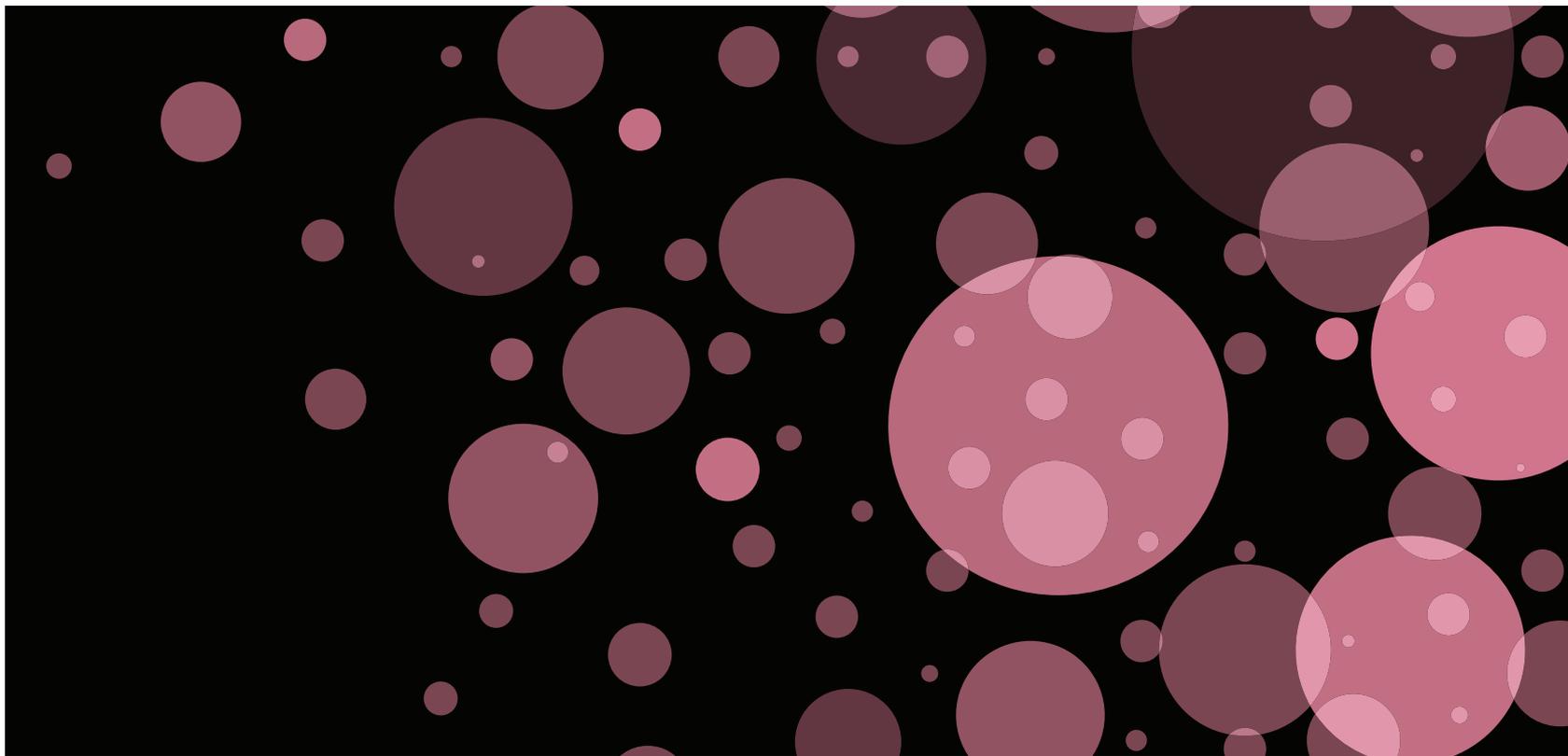




THE CANADIAN
BAR ASSOCIATION

SUCCESSFULLY PARENTING APART: A TOOLKIT

APRIL 2017



Prepared by the Canadian Bar Association Family Law Section in partnership with the Canadian Research Institute for Law and the Family.



SUCCESSFULLY PARENTING APART: A TOOLKIT

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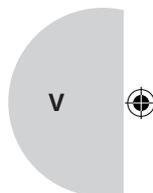


Introduction

This Toolkit organizes and consolidates on-line and print resources offering guidance, information, referrals and resources for resolving parenting challenges post-separation in ways most effective for children. It is primarily intended to increase family lawyers' awareness of the best available information to better assist parents in transforming their relationship from being a couple to being successful co-parents. As the first point of contact for many separating parents, effective lawyers need to be aware of the best practices and social science on family restructuring, and should be equipped to easily direct parents to quality resources for further guidance and information.

We acknowledge and thank Justice Canada for their generous support for this project.

Canadian Bar Association
Family Law Section



Using the Toolkit

This Toolkit is designed to equip lawyers to better assist separating parents. It contains a curated list of on- and offline resources offering information and guidance on parenting after separation and resolving parenting challenges, and is written to be as accessible and easy to understand as possible.

For lawyers, this Toolkit provides a digest of the best available information to help parents transform their relationship from being a couple to being partners in parenting. Lawyers are many parents' first point of contact with the family justice system. In busy family law practices, lawyers may find it difficult to keep abreast of new public legal education materials useful to their clients. This Toolkit is intended to package and organize existing resources to promote frequent use and dissemination by family lawyers, to the benefit of families in transition.

For separating parents directed to particular chapters of the Toolkit, it identifies resources from respected, credible providers that are, for the most part, written in plain language. It will also help parents navigate the overwhelming amount of information currently available, steering them toward accurate and authoritative material.

Separating parents will benefit especially from the information in the first section, which includes general and comprehensive material about parenting after separation. Lawyers should consider directing every parent to that information. The remaining sections include more targeted information about specific circumstances or concerns, and parents can be referred to those individual issues as appropriate.

The information in this Toolkit is focused on parenting, rather than on law. It provides useful information, but does not replace assistance from mental health professionals or lawyers.

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Contents

This Toolkit focusses on straightforward and non-technical resources. There is some duplication of resources to ensure that relevant resources are easily found under each heading. The Toolkit is not intended to be read cover to cover, but to be a reference consulted when needed.

The resources contained in this Toolkit are available online or at most bookstores, including those that accept online orders. We have not included materials available only by an in-person visit, like those from some parenting after separation programs, and print materials that are not available online. The idea is that this information can be accessed from anywhere in Canada.

We provide 'cautions' when a resource requires advanced reading skills, describes agencies and resources particular to another country, or uses legal terminology or concepts different than those generally used in Canada.

Language

We use *separation* to describe parents' decision to end their relationship and live apart from each other. This separation may eventually result in divorce, but the separation itself has most impact on children, rather than the legal end of marriage. The term also applies to both married and unmarried parents not living together.



We describe how parents care for their children after separation as *parenting apart*, and the formal arrangements parents make for the care of their children as parenting plans. Other, more legal phrases, like ‘court orders’, ‘separation agreements’, ‘custody’ and ‘access’ may also be used, but *parenting apart* and *parenting plans* are non-adversarial terms that work with terminology used across the country. These terms also address how parents actually care for their children after separation in a way that custody and access may not.

Feedback

We welcome your feedback. Please let us know if there are resources which should be included, or any that have become out of date or inaccurate and should be excluded. Please also let us know if you find that any of the links in this Toolkit have expired.

(See end of report for contact information)



VIII



1. Parenting apart – general information and comprehensive guides

The end of a relationship is rarely easy, especially for couples with children. Difficult choices must be made, like where the children will live, how much time they will have with each parent or how parenting decisions will be made. These important issues can have a life-long impact on the happiness and well-being of children.

These choices must often be made at a time when parents are dealing with the fear, sadness, anger and grief that comes with the end of their own relationship. However, decisions need to be made considering the best interests of the children, along with other factors, like how the children have been cared for in the past and how well the parents get along.

The resources in this chapter talk about issues parents should consider when deciding about the care of their children and parenting apart, and how to make parenting plans reflecting these decisions.

TITLE:

[Overview of Canadian Family Justice: Best Interests of the Child](http://ow.ly/N7Av30a0iSI) (<http://ow.ly/N7Av30a0iSI>)

Provider: Justice Canada

Content: Describes factors taken into account when parents and judges make decisions about the best interests of children, including children's health and emotional well-being, their views, their relationships with parents and others, and the plans proposed for their future care.

Formats: Website, PDF

Date: None provided

“Child custody, access, parenting and contact law and services in Canada are guided by the basic principle that all decisions must be made in the best interests of the child. This is also the standard adopted in the *United Nations Convention on the Rights of the Child*. All Canadian statutes governing custody, access, parenting and contact incorporate this principle by providing that the overriding consideration in making decisions is the child's best interests.”

TITLE:

[Parenting After Separation](http://ow.ly/m3xE30a0iZj) (<http://ow.ly/m3xE30a0iZj>)

Provider: Government of Alberta

Content: Provides information about the effects of separation on parents and children, legal process and alternatives to court, communicating with the other parent, and developing plans for parenting apart.

Format: Online program

Date: 2011

“Parenting After Separation is a seminar offering information to parents about the separation and divorce process, the effects of separation and divorce on children, techniques for communication and legal information that affects parents and children. ...

PAS teaches parents the importance of working together to meet children's health, social, educational and emotional needs. The program encourages parents to attend mediation and to consider other dispute resolution options.”

TITLE:

Parenting After Separation: Parent's Guide (<http://ow.ly/wlOH30az9Ea>)

Provider: Government of Alberta

Content: Companion text materials to Alberta's Parenting after Separation program includes outline of parenting plan, definitions for common terms, the child support tables from the Child Support Guidelines and helpful resources.

Format: PDF

Date: 2011

"The PAS course is composed of four sections: 1. Relationship Building Blocks, 2. Children Can Cope with Separation and Divorce, 3. Learning Your Way Around the Legal System and 4. Parenting Plans That Work For Your Family. Information in this parent's guide is organized by these 4 topics and corresponds to what you will hear about in class. There are handouts in this guide that you will discuss or work on during class. There is also a section of material called *Important Information* that contains more information about child support, recommended reading lists for parents and children, recommended websites, etc. As you move through your process of separation or divorce, it will be helpful to refer back to these extra materials as different questions come up that you want to know more about than was covered in the course."

TITLE:

Families Change: Parenting After Separation (<http://parenting.familieschange.ca/getting-started>)

Providers: Government of BC, Justice Education Society

Content: Provides parents with information about their experience and their children's experience of separation, and helps equip them to make good decisions about parenting apart.

Format: Online program

Date: 2016

"Parenting After Separation helps parents make informed decisions about their separation which consider their children's best interests. While anyone can take the course free online, it is mandatory for some separating parents in some BC communities."





TITLE:

Putting Children First: Proven Strategies for Helping Children Thrive through Divorce

Author: JoAnne Pedro-Carroll

Publisher: Avery

Content: Provides information about children’s experience of separation and the potential impact of separation on children, and discusses how to talk to children and help them prepare for separation, how to support children’s resilience and how to create parenting plans.

Format: Book

Date: 2010

“Parenting through divorce presents particular challenges because it is often very difficult for parents to know what their children really think or feel about the breakup. Most children talk very little about their parents’ divorce and their own complex feelings surrounding it. ...

Despite their deliberate silence, children desperately need for their parents to understand what is going on beneath the surface and communicate without barriers. They yearn for their parents to hear and understand their innermost feelings as well as to be part of their daily activities. Most of all, they want their parents to notice their pain and fears and alleviate them as much as possible.”

TITLE:

Befriending Your Ex After Divorce: Making Life Better for You, Your Kids and, Yes, your Ex

Author: Judith Ruskay Rabinor

Publisher: New Harbinger Publications

Content: Discusses how parents living apart can develop and maintain a healthy, functional relationship to help them raise their children together after their separation.

Format: Book

Date: 2012

“As a clinical psychologist, I have worked with hundreds of families struggling with the aftermath of divorce. So I bring to this book my professional and personal experience. Divorce does not have to destroy your children, batter your soul, or rob you of your years of quality living. While many divorce couples are resigned to being bitter enemies with little that’s positive to say about one another, I believe that these couples and their children are losing out. While divorce is often a trauma, it does not have to be a lifelong sentence to misery. Befriending your ex is about living with what lingers and learning to make peace with your life as it is now.

Anyone touched by divorce can gain help and understanding from this book, but it’s primarily aimed at parents – biological and adoptive – who are separating, divorcing or divorced. If you and your ex-partner were never legally married but are committed to co-parenting, you will benefit as well.”



TITLE:

[Making Plans: A Guide to Parenting Arrangements after Separation](http://ow.ly/4orB30az9GD) (<http://ow.ly/4orB30az9GD>)

Provider: Justice Canada

Content: Describes how parents make plans for parenting apart and factors to consider in parenting plans. Includes discussion of how children respond to separation, children's feelings after separation and parents' feelings after separation. Reviews special challenges including family violence, new relationships and family relocation.

Format: PDF

Date: 2013

“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.”

TITLE:

Parents Are Forever: A Step-by-Step Guide to Becoming Successful Co-Parents after Divorce

Author: Shirley Thomas

Publisher: Springboard Publications

Content: Provides practical guidance on creating plans for parenting apart, including making parenting decisions, determining children's time with each parent and resolving common problems. Includes a helpful checklist of issues to address in parenting plans.

Format: Book

Date: 2001

Caution: Uses American legal terminology

“This manual is intended for all separated adults who are rearing children when another adult is legally designated as a caretaker. This includes not only divorcing parents but also parents who never married, grandparents, foster parents or legal guardians. Though no book could be a panacea for curing all problems of divorce and separation, one that guides parents in the right direction can help. This step-by-step plan demonstrates how key adults in the child's life should be able to work together better.”

TITLE:

[Parenting After Separation](http://ow.ly/z82Y30az9Je) (<http://ow.ly/z82Y30az9Je>)

Provider: Clicklaw Wikibooks

Content: Provides helpful tips for parenting after separation, and discusses parenting plans and common challenges in creating them. Provides resources for parents and children.

Format: Wikibook

Date: 2015

“This section is all about putting your children first. It provides a brief introduction to parenting after separation and looks at different types of parenting issues, including parenting schedules and parenting plans. It also provides a selection of related parenting resources and reading materials.

While the other sections in this chapter discuss the legal issues involved in determining how children will be cared for after a couple separate, they do not talk about the non-legal issues: what it means to parent after separation, how separation affects children, and how parents talk to their children about their separation.”

TITLE:

[Families Change: Parenting After Separation \(Finances\)](http://pas-finances.familieschange.ca/) (<http://pas-finances.familieschange.ca/>)

Providers: Government of BC, Justice Education Society

Content: Provides parents with information about their finances and separating finances after separation.

Format: Online program

Date: 2014

“The PAS Finances online course includes videos, text, worksheets and interactive exercises. Virtual facilitators guide participants through the course content to help them make positive decisions about the way they resolve their financial issues after separation.”

2. Children's experience of separation and conflict

Separation is difficult for both parents and children. Although a normal part of life for adults, separation is often children's first experience of crisis.

How children cope with their parents' separation depends largely on two key factors: the quality of the parent-child relationship during and after separation, and the extent of conflict between parents.

Although challenges are common for children whose parents are separating, most can cope with their changing circumstances and are resilient. However, high levels of conflict between parents increase the likelihood that children will have more difficulty adjusting.

The resources in this chapter contain helpful information about how children experience conflict and the steps parents can take to protect children from their conflict.

TITLE:

Helping Your Kids Cope with Divorce the Sandcastles Way

Author: M. Gary Neuman

Publisher: Random House

Content: Discusses children's experiences of separation by age group and provides tips for parenting apart and helping children adapt to their parents' separation. Provides sample scripts to explain separation to children, organized by age group.

Format: Book

Date: 1998

Caution: Uses American legal terminology

“How parents handle their divorce determines a lot about how their children will fare, both today and tomorrow. That sounds like a big responsibility, and it is. But it is also an incredible opportunity, for no one – no psychologist, member of the clergy, teacher, friend, or relative – shares with your child the extraordinary relationship you two have. No one knows your child better than you do, and no one is in a better position to give him the security, guidance, structure, and support he needs now. You may not be a child development expert, but you are something much better: a concerned, conscientious, and loving parent who's willing to learn how to help your child. With your help, your child will not only be shielded from unnecessary pain and confusion surrounding divorce, he will grow and thrive. One day he will be able to look back on his childhood as a loving, joyful time touched by divorce, not a once-blissful state ruined forever by divorce.”

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TITLE:

[Because Life Goes On: Helping Children and Youth Live with Separation and Divorce, Helping Children at Every Age](http://ow.ly/Ey4t30az9Lj) (<http://ow.ly/Ey4t30az9Lj>)

Provider: Public Health Agency of Canada

Content: Describes children's reactions to separation by age and stage of development to help parents understand the needs of their children and the support they require.

Formats: Website, PDF

Date: 2016

“Although all children and teenagers share many of the same developmental needs – such as a deep need to trust others – their particular age and stage of development are major factors in determining how they react to any situation. Awareness of how children and teenagers grow and develop can help you understand how your children might react to change and the kind of attention and support they will need. ...

This section is designed to help you better understand the developmental needs, typical behaviours and signs of stress in each stage of your child's life. With this knowledge, you will be better equipped to anticipate and respond to your children's needs and to promote their ability to adapt and grow.”

TITLE:

[Eyes on Divorce and Separation: Paying Attention to your Child's Needs](http://ow.ly/G8Yy30azdeD) (<http://ow.ly/G8Yy30azdeD>)

Providers: Centre of Excellence for Early Childhood Development, Strategic Knowledge Cluster on Early Child Development

Content: Describes children's reactions to separation by ages and stages of development and provides suggestions for addressing children's parenting and communication needs.

Format: PDF

Date: 2012

"The first few months after a divorce or separation are a very stressful period. Your patience, consistency and discipline are likely to suffer. Your child may be affected by these changes."

TITLE:

[The Early Identification and Streaming of Cases of High Conflict Separation and Divorce: A Review](http://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2001_7/toc-tdm.html) (www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2001_7/toc-tdm.html)

Provider: Justice Canada

Content: Reviews social science research on children's experience of separation and conflict between parents. Discusses the effects of separation and divorce on children, and the effects of elevated levels of parental conflict.

Format: Website

Date: 2015

Caution: Requires good reading skills

"This paper, based on a comprehensive review of the literature, plus a series of interviews with clinicians and researchers who work with divorced families, identifies a series of risk factors that contribute to negative outcomes for many children whose parents separate and divorce. These risk factors include structural/environmental factors, such as changes in neighbourhoods, residences and schools; relationship factors, such as loss of time with a parent or members of the extended family, changes in friendship networks and the introduction of new adult partners; and emotional factors, such as maladjustment to the separation by one or both parent's decreased parenting ability of one or both parents and increased hostility between the parents. These all contribute to a loss of predictability and routine for children, two factors often connected to children's mental health."

TITLE:

[High-Conflict Separation and Divorce: Options for Consideration, Studies of High Conflict and Its Effect on Children](http://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_1/p3.html#a3) (www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_1/p3.html#a3)

Provider: Justice Canada

Content: Reviews social science research on children's experience of separation and conflict between parents and the effects of elevated levels of parental conflict on children.

Format: Website

Date: 2004

Caution: Requires good reading skills

“In short, the literature indicates that parental conflict is a major source of harm to children, whether the children are in intact families or their parents have separated or divorced. Children whose parents have separated or divorced where there is a high level of conflict between the parents display greater behavioural problems than children from low- or medium-conflict divorced families. However, serious questions remain.”

TITLE:

[Protecting Children from High Conflict Separation: What Parents Need to Know](http://www.nsfamilylaw.ca/other/ways-help-my-kids#7)

(www.nsfamilylaw.ca/other/ways-help-my-kids#7)

Provider: Government of Nova Scotia

Content: Describes the range of relationships between parents after separation and discusses how and why some parents experience higher levels of conflict than others. Offers tools for parents to protect their children from their conflict.

Format: Website

Date: 2017

“There is no simple definition of ‘high conflict.’ It is hard to figure out why some parents are able to separate with little difficulty, while others seem to get ‘stuck’ in conflict after separation, unable to step away from it, and unable to protect their children from the negative consequences of conflict. ...

Most separating or divorcing couples are able to work through initial feelings of anger, disappointment, and loss quickly and re-establish healthy relationships with their ex-partners and their children. However, about 40% of ex-partner interactions are considered conflictual at the time of separation (meaning that there is arguing and tension between the separating partners). Of these, 10% remain in high conflict no matter how much time passes.”

TITLE:

[Because Life Goes On: Helping Children and Youth Live with Separation and Divorce, Protecting Children from Conflict](http://ow.ly/rb5i30azdgE) (<http://ow.ly/rb5i30azdgE>)

Provider: Public Health Agency of Canada

Content: Describes the effects of parental conflict on children and provides suggestions for understanding, reducing and managing conflict.

Formats: Website, PDF

Date: 2016

“Children are very vulnerable to their parents’ anger, either directed toward them or against each another. When parents fight openly, their children suffer the consequences. There is nothing more distressing for them than to be caught in-between angry parents.



A high degree of conflict very often results in difficulties for children, and these problems may last a lifetime. A large body of research reveals that children's lives – and their relationships with their parents – are affected by how their parents handle conflict.”

TITLE:

[High-Conflict Separation and Divorce: Options for Consideration, Interventions in High-Conflict Divorces](http://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_1/p5.html) (http://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_1/p5.html)

Provider: Justice Canada

Content: Reviews social science research on separated parents in higher levels of conflict situations and considerations in developing parenting plans for children with parents in conflict.

Format: Website

Date: 2004

Caution: Requires good reading skills

“Many jurisdictions have created statutory procedures in their equivalents to our Divorce Act, whereby the parents of children in a divorce action agree to a parenting plan in which the duties and obligations of parents for taking care of the children of the relationship are set out and must be followed by the parties. ... However, it is important for our purposes to note that experts in high-conflict divorce see a need for greatly detailed, highly structured parenting plans that minimize the possibility of conflict between the parents. ... Compared with parents who disagreed about parenting arrangements, ex-couples who were able to maintain mutually-agreed-upon parenting arrangements were generally less narcissistic, less interpersonally vulnerable, more empathetically inclined, less self-important, less self-oriented and more child-oriented.”

TITLE:

Caught in the Middle: Protecting the Children of High-Conflict Divorce

Authors: Carla A. Garrity, Mitchell A. Baris

Publisher: Jossey-Bass Publishers

Content: Discusses how elevated levels of parental conflict affects children. Provides strategies for minimizing the impact of conflict on children, including parenting plans for dealing with higher levels of conflict.

Format: Book

Date: 1994

Caution: Requires good reading skills

“This book provides high conflict parents and the professionals who work with them with the means to work out the dynamics of their conflicts. This discussion is directed both to parents seeking to educate themselves and find solutions to stressful situations and to the professionals who work with them. Most of all, *Caught in the Middle: Protecting the Children of High-Conflict Divorce* is a book for the benefit of the children. It is the children who are hurt, sometimes every day, who feel helpless and angry, vulnerable and scared. The people they depend on to create a stable world have made them the focus of emotional tension by placing them in the middle of their dispute.”

TITLE:

[9 Tips for Protecting Children from Conflict during Divorce](http://www.divorcemag.com/articles/protecting-children-from-conflict) (www.divorcemag.com/articles/protecting-children-from-conflict)

Provider: DivorceMagazine.com (Dr. Donald A. Gordon, Dr. Jack Arbuthnot)

Content: Offers simple steps parents can take to protect children from their conflict, including keeping children out of the middle of conflict and containing anger.

Format: Website

Date: 2015

“There are several things parents can do to protect their children from conflict and reduce the harmful effects of long-term conflict during and after divorce. Some solutions require the aid of others, including the court. A parenting coordinator can help work out a plan as well as reduce conflict between co-parents.”

TITLE:

[Protecting Children from Harm and Trauma during Family Conflict](http://ow.ly/cBKZ30azdk0) (http://ow.ly/cBKZ30azdk0)

Provider: Trauma and Grief Network (Janine Brissett)

Content: Uses plain language to explain the impact of family conflict on children and describes strategies for parents to contain conflict and protect children from it.

Format: PDF

Date: 2014

“This tipsheet was created for parents and other adult care-givers. It explains the impact of family conflict on children, and encourages them to find better ways to resolve their differences.”

3. Communication and decision-making

Successfully parenting apart means that parents have to talk to each other. A lot.

Decisions must be made, and information shared about the children's school, friends, medical and dental appointments, extracurricular activities and general well-being. This requires communication between separated parents, whether they like it or not.

Communicating clearly, using a business-like tone and focusing on the problem at hand, rather than an emotional response, are important goals. Parents who don't communicate well can put children in the middle of their conflict and be unable to effectively discuss the children and their needs.

The resources in this chapter provide information about how parents can learn to communicate effectively after separation, make parenting decisions together and negotiate parenting plans.

TITLE:

Renegotiating Family Relationships

Author: Robert E. Emery

Publisher: Guildford Press

Content: Discusses the emotions involved in separation and how they affect parents' ability to communicate and work together. Discusses the transition from being a couple to individuals engaged in the joint task of parenting, and offers tools and techniques to help parents communicate effectively.

Format: Book

Date: 2012

Caution: Requires good reading skills

“Divorce throws all the old rules of family relationships into a state of uncertainty, perhaps chaos. In order to decrease conflict, and provide children with a healthy family environment, family members need to develop new rules for their new relationships as a family that no longer lives together. ... Divorcing partners need to separate their marital and parental roles – roles that are bound together in marriage but that must be disentangled in divorce. Often the best way for parents to renegotiate their new relationship is to establish more business-like roles for their new, co-parenting relationship.”

TITLE:

Communication (www.famcentre.ca/sites/default/files/Communication%20%207.pdf)

Provider: Family Centre

Content: Discusses common communication styles and their impact on the effective exchange of information. Suggests ways to communicate more assertively and use active listening techniques.

Format: PDF

Date: 2014

“Good communication skills can be applied to all areas of life: personal friendships, intimate relationships, work situations, conflict resolution, parenting and even encounters with acquaintances and strangers. Communication allows others to know what we are thinking and feeling, and allows us the opportunity to explain, question and clarify things that are not understood.”

TITLE:

Successful Co-Parenting Communication after Divorce (<http://ow.ly/PDPf30azdm7>)

Provider: DivorceMagazine.com (Jeffrey Cottrill)

Content: Describes the benefits of establishing new rules, boundaries and methods of communication after separation, and provides a list of 'dos' and 'don'ts' for communication between parents and with children after separation.

Format: Website

Date: 2016

“Effective parenting after divorce requires effective communication – both between the co-parents and between the parents and children... With stronger co-parenting communication, there will be less chance of misunderstandings and conflicts between the ex-spouses – and a better chance of a healthy upbringing for the children.”

TITLE:

The Truth about Children and Divorce

Author: Robert E. Emery

Publisher: Viking Penguin

Content: Talks about how parents can manage the emotions resulting from their separation and deal with the day-to-day business of parenting their children. Provides information about building workable parenting plans.

Format: Book

Date: 2004

Caution: Requires good reading skills

“My overriding goal in writing this book has been to reach parents and children lost in the hurt, pain, sadness, uncertainty, and grief of divorce. I hope that the insights and the stories of others who have shared your struggles can help you through this crisis and guide you to a better place as a person and as a member of a family, albeit a family apart.”

TITLE:

[Making Decisions after Separation](http://ow.ly/DVZW30azdnA) (<http://ow.ly/DVZW30azdnA>)

Provider: Government of BC, Justice Education Society

Content: Describes how parents make plans for parenting apart and factors to consider when making parenting plans. Includes discussion of how children respond to separation, children’s feelings after separation and parents’ feelings after separation. Reviews special challenges including family violence, new relationships and family relocation.

Format: PDF

Date: 2013

“When a relationship ends, whether you are married or living together, you will have to make decisions about:

- What is best for your children
- Who pays child support and how much
- How to divide the property that you own together
- How much money you owe to others (your debt)
- How to divide the money you have saved
- Whether you or your spouse needs financial support”

TITLE:

[Making Plans: A Guide to Parenting Arrangements after Separation](http://ow.ly/erVh30azdoG) (<http://ow.ly/erVh30azdoG>)

Provider: Justice Canada

Content: Describes how parents make plans for parenting apart and factors to consider when making parenting plans. Includes discussion of how children respond to separation, children's feelings after separation and parents' feelings after separation. Reviews special challenges including family violence, new relationships and family relocation.

Format: PDF

Date: 2013

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

‘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 afterschool activities and so on.”

TITLE:

[Making an Agreement after You Separate](http://ow.ly/okK730azdrx) (<http://ow.ly/okK730azdrx>)

Provider: BC Legal Services Society

Content: Describes how parents make plans for parenting apart and factors to consider when making parenting plans. Includes discussion of how children respond to separation, children's feelings after separation and parents' feelings after separation. Reviews special challenges including family violence, new relationships and family relocation.

Format: PDF

Date: 2013

“When you divorce or separate from your spouse or common-law partner, there are many issues you need to work out. These include:

- How will you take care of the children?
- How will you divide property and debt?
- Will one of you pay child support?
- Will one of you pay spousal support?

Many couples are able to solve these issues without going to court. Going to court can be expensive and time-consuming. It can also increase conflict because the court process is based on a win-lose approach. This doesn't help families maintain healthy relationships, which is especially important if there are children involved.”



TITLE:

Parents Are Forever: A Step-by-Step Guide to Becoming Successful Co-Parents After Divorce

Author: Shirley Thomas

Publisher: Springboard Publications

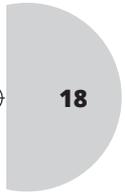
Content: Provides practical guidance on creating plans for parenting apart, including making parenting decisions, determining the children's time with each parent and resolving common problems. Includes a checklist of issues to address in parenting plans.

Format: Book

Date: 2001

Caution: Uses American legal terminology

“This manual is intended for all separated adults who are rearing children when another adult is legally designated as a caretaker. ...This step-by-step plan demonstrates how key adults in the child's life should be able to work together better.”



4. Developing effective parenting plans

Parenting plans are written agreements, and sometimes court orders, that record how parents have decided to parent apart. They talk about how parents will make parenting decisions, which decisions they can make on their own and which they must make together, and how the children's time will be shared between their homes.

Separation agreements between parents usually include parenting plans, and can cover other issues like child support, spousal support and the division of property and debt.

The resources in this section offer practical information on parenting plans, the subjects they usually cover and the subjects they should cover but are often overlooked. This section also provides resources that discuss the law on parenting after separation.

TITLE:

Parenting Plan Tool (<http://justice.gc.ca/eng/fl-df/parent/ppt-ecppp/toc-tdm.html>)

Provider: Justice Canada

Content: Provides sample clauses for parenting plans covering decision-making, parenting schedules, sharing information, attending children's events, health care, traveling with children and relocation.

Formats: Website, PDF

Date: 2015

“This document gives you a starting point for developing a parenting plan that is in your children's best interests. It has several sections. Each section looks at different issues for you to think about as you decide on your parenting arrangements. There are options for

- general statements or rules about your co-parenting relationship
- how you will make decisions about your children
- how your children will spend time with each parent
- how you will exchange information and communicate about your children
- how you will handle appointments and other practical arrangements for your children
- travel
- moving away
- how you will resolve disputes
- reviewing, monitoring and changing the parenting plan

The clauses are only examples. Your plan needs to be tailored to meet your child's specific needs.”

TITLE:

Parenting Plan Checklist (<http://justice.gc.ca/eng/fl-df/parent/ppc-lvppp/index.html>)

Provider: Justice Canada

Content: A checklist of issues and subjects that parents should talk about in a parenting plan.

Formats: Website, PDF

Date: 2015

“A parenting plan should reflect the interests and the needs of the child. A parenting plan can also help to reduce conflict between parents by setting out clear guidelines and expectations. Reducing conflict is important. Research shows that children's chances of coping successfully with their parents' separation or divorce are better if their parents co-operate with each other.

A parenting plan should have enough detail to be useful, yet enough flexibility to be realistic. ...

This checklist can help identify issues to consider when developing a parenting plan. It does not address issues such

as property division or spousal support. The checklist identifies topics for consideration along with some questions to consider. These questions are not exhaustive and are simply meant to help guide your thinking and discussions on the topic.”

TITLE:

[Separation and Divorce: Child Custody, Access, and Parenting Plans](http://ow.ly/8kZm30azduy) (<http://ow.ly/8kZm30azduy>)

Provider: Community Legal Education Ontario

Content: Provides definitions of common legal terms and a simplified, subject-by-subject discussion of the issues parents should consider in a parenting plan. Discusses the steps parents can take to reach agreement before going to court.

Formats: Website, PDF

Date: 2016

“Parents who do not live together have important decisions to make, such as:

- Where will our child live?
- How much time will each of us spend with our child?
- How will we make major decisions about how to care for and raise our child?
- What role will each of us have in caring for our child?

In family law the answers to these questions are called custody and access or parenting plans.”

TITLE:

The Truth About Children and Divorce

Author: Robert E. Emery

Publisher: Viking Penguin

Content: Talks about how parents can manage the emotions from separation and deal more effectively with the day-to-day business of parenting their children. Provides information about building workable parenting plans.

Format: Book

Date: 2004

Caution: Requires good reading skills

“My overriding goal in writing this book has been to reach parents and children lost in the hurt, pain, sadness, uncertainty, and grief of divorce. I hope that the insights and the stories of others who have shared your struggles can help you through this crisis and guide you to a better place as a person and as a member of a family, albeit a family apart.”

TITLE:

[Parenting Plans Following Separation/Divorce: Developmental Considerations](http://ow.ly/zle-B30azdwR) (<http://ow.ly/zle-B30azdwR>)

Provider: Encyclopedia on Early Childhood Development (Dr. Marsha Kline Pruett)

Content: Talks about how parenting plans that share children's time between parents should account for different needs children have at different ages and stages of development.

Formats: Website, PDF

Date: 2011

Caution: Requires good reading skills

“Although plans are required in parental disputes and divorces in most states, there are no age-specific standard guidelines for children. As a result, parenting plan development is often fraught with the parents' different desires, perceptions and beliefs about which structure and content of arrangements that would best serve their child's interests.

What can research teach us about how to craft developmentally-sound parenting plans?

Research results offer guidance in creating a plan that achieves a balance between stability and dual parent involvement by attending to the child's stage of development.”

TITLE:

[Special Considerations of Infants and Toddlers in Separation/Divorce: Developmental Issues in the Family Law Context](http://ow.ly/KKR030azdyn) (<http://ow.ly/KKR030azdyn>)

Provider: Encyclopedia on Early Childhood Development (Dr. Jennifer E. McIntosh)

Content: Talks about the special needs of infants and toddlers and how they can be taken into account in developing parenting plans for sharing children's time between parents.

Formats: Website, PDF

Date: 2011

Caution: Requires good reading skills

“By virtue of their unique stage of development and complex needs for care and nurture, infants and young children under five years of age pose specific concerns for divorce researchers and divorce practitioners alike. ...Babies and young children are amongst the least capable of voicing their needs, and as such, the onus falls on family law professionals to advocate for the emotional and developmental security of the infant, and to consider these as prime and determining elements in custody matters.”

5. Hearing the views and voices of children

Separation can be just as difficult for children as for their parents. Children need to be able to tell their parents how they're feeling about the changes in their lives and they may have opinions about those changes.

Parents need to listen to what their children have to say when making plans to parent apart, and their views and preferences need to be heard when the court is making a parenting plan. The child's input is considered but parents or courts still make major decisions. In general, children have a voice but not necessarily a choice.

The resources in this chapter are about the ways that children's views and voices are heard when parents and judges are making decisions about parenting plans.

TITLE:

[Why Hear Children?](http://hearthechild.ca/why-hear-children/) (<http://hearthechild.ca/why-hear-children/>)

Provider: BC Hear the Child Society

Content: Provides a brief description of the legal reasons for hearing the views of children in justice processes and the research on the impact and benefits of hearing from children.

Format: Website

Date: 2016

“Children want an opportunity to be heard, and hearing children’s views in family justice matters can be beneficial to both children themselves and their families.

Research is clear that the psychological and social well-being of children is profoundly impacted by separation and divorce, and that there may be immediate and longer term effects of excluding children or not consulting them when decisions are made about their best interests.”

TITLE:

[Voice and Support: Programs for Children Experiencing Parental Separation and Divorce, Voice of the Child](http://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_2/p4.html#a4) (www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_2/p4.html#a4)

Provider: Justice Canada

Content: Explains why children have a right to have a voice in legal disputes that affect them, and discusses how this helps parents and judges make decisions in children’s best interests.

Formats: Website, PDF

Date: 2004

Caution: Requires good reading skills

“Two reasons are advanced for including children’s voices in custody and access proceedings. The first concerns their rights, and argues that children are entitled to have a say in decisions that affect their lives. The second concerns their interests and argues that including children’s voices in custody and access proceedings serves their best interests, either through its effect on them directly, or its effect on the quality of decisions made.”

TITLE:

[The Voice of the Child in Separation/Divorce Mediation and Other Alternative Dispute Resolution Processes: A Literature Review](http://ow.ly/LMkB30azdAi) (<http://ow.ly/LMkB30azdAi>)

Provider: Justice Canada

Content: Reviews research on when children’s views should be heard in family justice processes, ways that children’s views are heard, and benefits and limitations of each of those ways.

Format: PDF

Date: 2009

Caution: Requires good reading skills

“As part of a broader discussion designed to address the participation of children in the separation and/or divorce process, the purpose of this review is to focus on a relatively new and controversial aspect of the family justice system, namely child-inclusive separation, divorce and custody mediation and other child-inclusive separation, divorce and custody alternative dispute resolution approaches. Specifically, the focus is on exploring initiatives that help give children a voice in the decisions made about post-separation family arrangements, as opposed to therapeutic or educational programs that help children adjust socially, emotionally or psychologically to the separation process and/or subsequent family arrangements.”

TITLE:

[Children’s Voices in Family Law Disputes](http://ow.ly/vsQ830azdCl) (<http://ow.ly/vsQ830azdCl>)

Provider: Canadian Bar Association British Columbia

Content: Discusses why children’s voices are heard in family law cases and two ways they are heard, being evaluative assessments prepared by mental health professionals and non-evaluative reports prepared by mental health professionals and lawyers.

Format: PDF

Date: 2014

Caution: Requires good reading skills

“The new *Family Law Act* ... requires the parties to a family law dispute and the court to ‘consider the child’s views, unless it would be inappropriate to consider them’, as does the *United Nations Conventions on the Rights of the Child*. This duty is mandatory ... and family law lawyers, mediators, arbitrators, parenting coordinators and judges must ask themselves whether they are meeting their duty to ensure that children’s views have been considered in resolving each family law dispute.”

TITLE:

[Voice and Support: Programs for Children Experiencing Parental Separation and Divorce, Voice of the Child in Custody and Access Proceedings](http://ow.ly/sy9430azdDX) (<http://ow.ly/sy9430azdDX>)

Provider: Justice Canada

Content: Discusses how children’s views are considered in mediation, psychological assessments, through expert witnesses and through children’s representatives in Canada and elsewhere.

Formats: Website, PDF

Date: 2004

Caution: Requires good reading skills

“Children’s voices may be included at several stages during the litigation. Two of the most important times are during mediation or conciliation, and during the preparation of custody evaluations ... which help judges in their decision making. For difficult cases, other programs sometimes exist ... to help families reach an agreement before a final court hearing.

Children's voices may also be heard in the courtroom, either directly as parties to the hearing with counsel acting on their instructions, or through counsel or other legal representatives mandated to advocate for their best interests and to present information about their needs and interests that would otherwise be overlooked.”

TITLE:

[Hearing the Voices of Children in Alberta Family Law Proceedings: The Role of Children's Lawyers and Judicial Interviews](http://ow.ly/4k8g30azdFk) (<http://ow.ly/4k8g30azdFk>)

Provider: Canadian Research Institute for Law and the Family

Content: Discusses why children's voices are heard in family law cases and two ways they are heard, through lawyers appointed to represent children and through interviews of children by judges.

Format: PDF

Date: 2012

Caution: Requires good reading skills

“Within Canada there is a range of ways in which the views, preferences and experiences of children are brought into the decision-making process. Methods of hearing the voice of the child include:

- Through a report prepared by a court-appointed mental health professional (social worker or psychologist – often called an evaluator or assessor) after a series of interviews with the child. This report may focus solely on the wishes and perceptions of the child, though more commonly it is part of a broader report about the child's best interests;
- Through a report (or affidavit) prepared by a neutral lawyer or mental health professional after a single interview with a child;
- Through testimony of a mental health professional who has interviewed the child and is retained by a parent;
- Having a lawyer for the child;
- Having the child testify in court;
- Having an interview of the child by the judge in chambers;
- Allowing parties (i.e., parents) to testify about what the child has told them (i.e., hearsay evidence) through their oral testimony (or video/audiotape) or by calling other witnesses (e.g., teachers); and
- Allowing the child (or parent) to submit a letter, e-mail or videotaped statement.”



TITLE:

The Voice of a Child in Family Law Disputes

Authors: Patrick Parkinson, Judy Cashmore

Publisher: Oxford University Press

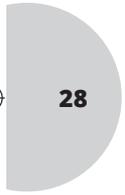
Content: Talks about whether and how children should be involved in family law disputes, when their views should be considered and why they should be taken into account, drawing on the experiences of children, parents, counsellors, lawyers and judges.

Format: Book

Date: 2008

Cautions: Requires good reading skills, uses Australian legal terminology

“This book is about a dilemma: how to protect children from the conflict between their parents when there are major disputes about post-separation parenting, while also giving children an opportunity to express their views about those arrangements.”



6. Accessing mental health supports

Separation can be complicated. Separation, especially when parents have children, usually involves challenges that are legal and psychological.

It's important that parents look after their own mental health and well-being during separation, as well as monitoring how their children are doing. Counselling is often helpful. It can help parents and children cope with the stresses and changes separation causes, and can help parents get past roadblocks stopping them from reaching an agreement.

The resources in this chapter are about parents caring for themselves and their children by knowing when it's time to get help. Good counsellors, therapists and psychologists can often be found by talking to friends and family members, or by calling government non-emergency help lines. Psychologists, including psychologists who are parenting experts and can help with parenting plans, can be found by contacting the College of Psychologists for your province or territory.

Supports for adults

TITLE:

[Separation and Divorce](http://ow.ly/zy9b30aMcVG) (<http://ow.ly/zy9b30aMcVG>)

Provider: Canadian Mental Health Association

Content: Provides a list of tips to help parents cope with separation and find emotional support.

Format: Website

Date: None provided

“How you choose to handle a separation is very important because of the effect it will have on the rest of your life. If you do not deal with the pain, and if you allow yourself to become bitter, you will be unhappy for a very long time. Let go of your bitterness and anger. Try to look at the separation as an opportunity to re-examine your abilities, your assets and your dreams, and to make the changes necessary for a new, full and rewarding life.

If you or someone you know is going through a separation or divorce, we hope this pamphlet will help you understand and cope with this difficult period of adjustment.”

TITLE:

[Coping with a Breakup or Divorce: Moving On after a Relationship Ends](http://ow.ly/9VXX30azdI7) (<http://ow.ly/9VXX30azdI7>)

Provider: HelpGuide.org (Dr. Jeanne Segal, Gina Kemp, Melinda Smith)

Content: Discusses techniques for coping with the end of a relationship, including allowing for mourning the loss of the relationship, reaching out to others for support and making sure to care for yourself.

Formats: Website, PDF

Date: 2017

“It’s never easy when a marriage or significant relationship ends. Whatever the reason for the split – and whether you wanted it or not – the breakup of a relationship can turn your whole world upside down and trigger all sorts of painful and unsettling feelings. But there are plenty of things you can do to get through this difficult time and move on. You can even learn from the experience and grow into a stronger, wiser person.”

TITLE:

[Getting Help](http://ow.ly/HXkK30aMdp1) (<http://ow.ly/HXkK30aMdp1>)

Provider: Canadian Mental Health Association

Content: Discusses how to ask for help with a mental health problem, including how to get help for a loved one.

Formats: Website, PDF

Date: 2014

“Some people worry about asking for help because there can be stigma around mental health problems. They may believe that asking for help means admitting that something is wrong. Some people worry about how others might see

them. Asking for help means that you want to make changes or take steps towards your new health goals. We should celebrate the courage it takes to speak up and make changes. Getting help is part of recovery.”

TITLE:

[Coping with Separation and Divorce](http://www.mentalhealthamerica.net/separation-and-divorce) (www.mentalhealthamerica.net/separation-and-divorce)

Provider: Mental Health America

Content: Provides a list of tips to help parents cope with separation and find emotional support, and tips for talking to children about separation.

Format: Website

Date: None provided

“Going through a separation or divorce can be very difficult, no matter the reason for it. It can turn your world upside down and make it hard to get through the work day and stay productive. But there are things you can do to get through this difficult adjustment.”

Supports for children

TITLE:

[Supporting the Mental Health of Children and Youth of Separating Parents](http://ow.ly/RE1e30azdJW)
(<http://ow.ly/RE1e30azdJW>)

Provider: Canadian Paediatric Society

Content: Provides information about promoting the well-being and resilience of children following separation, and common risk and protective factors.

Format: Website

Date: 2016

Caution: Requires good reading skills

“The impact of separation and divorce has been documented, along with an increase in risk for negative outcomes in physical, mental, educational and psychosocial well-being during childhood and later, as youth transition to adulthood. Although there is increased risk for various negative outcomes, most children and youth of separating and divorcing families do not have significant or diagnosable impairments. Family processes that have a significant mediating effect on child well-being after parental divorce or separation include improving the quality of parenting, improving the quality of parent–child relationships and controlling hostile conflict. Physicians can offer support and guidance to separating parents by helping them to identify risk factors, strengthen protective factors, and enhance children’s capacity to cope with family changes.”

TITLE:

[Ways to Help my Kids, Counselling](http://www.nsfamilylaw.ca/other/ways-help-my-kids#3) (www.nsfamilylaw.ca/other/ways-help-my-kids#3)

Provider: Government of Nova Scotia

Content: Provides information on the benefits of counselling for children whose parents are separated and on how to find a counsellor.

Format: Website

Date: 2017

“Everybody experiences stress and difficult times in their lives. It is often helpful to talk to someone about your situation. You can talk to a trusted friend, family member, or community member. You can also speak with a professional counselor.”

TITLE:

[Children, Youth and Depression](http://ow.ly/U5bC30aMdTU) (http://ow.ly/U5bC30aMdTU)

Provider: Canadian Mental Health Association

Content: Discusses how to recognize depression in children and youth, and ways that adults can help.

Formats: Website, PDF

Date: 2014

“While we may think of low mood or other challenges as adult problems, they can affect people at any age. Children and teens can experience mental illnesses like depression. Sometimes it can be difficult for adults to understand how difficult children’s problems can be because we look at their problems through adult eyes. But the pressures of growing up can be very hard for some children. It’s important that we remind ourselves that while their problems may seem unimportant to us, they can feel overwhelming to young people. It’s important to take depression in young people seriously.”

TITLE:

[Voice and Support: Programs for Children Experiencing Parental Separation and Divorce, Children’s Responses and Adjustment to Separation and Divorce](http://justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_2/p2.html) (http://justice.gc.ca/eng/rp-pr/fl-lf/divorce/2004_2/p2.html)

Provider: Justice Canada

Content: Discusses children’s common reactions to separation, parents’ capacity to help them adjust and what children say they need when their parents separate.

Formats: Website, PDF

Date: 2004

Caution: Requires good reading skills

“The research literature on the effects of separation and divorce on children’s adjustment, and on children’s responses to

these events, indicates that the needs of children living through family breakdown vary with age and circumstance. The research also indicates that many parents are not able to meet these needs, especially during the period immediately after separation.”

TITLE:

[Children and Divorce: Helping Kids after a Breakup](http://ow.ly/tlrk30azd0k) (<http://ow.ly/tlrk30azd0k>)

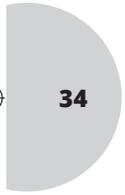
Provider: Mayo Clinic

Content: Provides brief helpful tips for helping children cope with separation.

Format: Website

Date: 2016

“Divorce is stressful for the entire family. Your child might feel as if his or her world has turned upside down. But you can ease your child’s adjustment by interacting responsibly with your spouse. Consider these practical tips for children and divorce.”



7. Mediation, arbitration, collaborative settlement processes and parenting coordination

There are many ways to develop a parenting plan. Going to court is not the only choice.

Court may be necessary where threats have been made or people or property are at risk. It's also where parents may have to end up if they can't agree on a parenting plan that works for both of them.

There are many ways to help parents reach an agreement even when they seem stuck, and many people to help. Mediation and collaborative settlement processes are examples.

If negotiation isn't possible, arbitration might be appropriate. Arbitration is similar to going to court, but parties select the arbitrator and decide how the process will work. Instead of the parents agreeing on a solution, the arbitrator will make the decision.

Parenting coordination is used when parents have a parenting plan, but need help implementing it and making it work. Parenting coordination uses mediation to solve problems about a parenting plan first, but switches to arbitration when an agreement is impossible.

The resources in this chapter provide information about mediation, collaborative settlement processes, arbitration and parenting coordination.

Mediation

TITLE:

[Mediation](http://ow.ly/wz1030azdQT) (http://ow.ly/wz1030azdQT)

Provider: Government of Quebec

Content: Provides an introduction to mediation and the mediation process, and describes the role of the parents, the role of the mediator and mediation in family law disputes.

Format: Website

Date: 2016

“The parties to a dispute can use mediation to actively seek a solution with help from a neutral person, the mediator.

The mediator helps the parties express their needs and interests, allowing them to achieve a settlement that is satisfactory to all parties.

Mediation can be used even in a situation where legal proceedings are not being considered.”

TITLE:

[Family Law Mediation](http://wiki.clicklaw.bc.ca/index.php?title=Family_Law_Mediation) (http://wiki.clicklaw.bc.ca/index.php?title=Family_Law_Mediation)

Provider: Clicklaw Wikibooks

Content: Provides an introduction to mediation and the mediation process, and provides helpful tips about preparing for mediation.

Format: Wikibook

Date: 2016

“Mediation is a process in which the two sides of a dispute work with a neutral third party, a mediator, to reach an agreement that deals with all or some of the issues in dispute. Mediation is not couples counselling; it is a legal process intended to help resolve a dispute without going to court.”

TITLE:

[Frequently Asked Questions](http://afms.ca/index.php?pid=35) (http://afms.ca/index.php?pid=35)

Provider: Alberta Family Mediation Society

Content: Provides answers to common questions about mediation, like what issues mediation can address, about the role of the mediator, and what happens during mediation. Includes a helpful list of ways to prepare for mediation.

Format: Website

Date: None provided

“Family mediation is a collaborative way of resolving disputes between people with the guidance of a mediator or an

impartial third party. It provides a safe and informal place for individuals to have an open and honest discussion, as well as the opportunity to work together to come up with mutually agreeable solutions.”

TITLE:

[What Is Mediation?](http://ow.ly/UVZx30azdTD) (<http://ow.ly/UVZx30azdTD>)

Provider: Community Legal Education Ontario

Content: Provides an introduction to mediation and steps in starting the mediation process.

Format: Website

Date: 2016

“Mediation is an alternative dispute resolution process where you and your partner meet with a mediator to resolve your legal issues without going to court.

Mediation is voluntary. This means that you and your partner have to agree to work with a mediator. You cannot be forced to use mediation, or forced to agree on your issues.”

TITLE:

[Mediation](http://www.gov.mb.ca/fs/childfam/mediation.html) (www.gov.mb.ca/fs/childfam/mediation.html)

Provider: Government of Manitoba

Content: Discusses the role of mediation in making parenting plans using a question and answer format, addressing questions such as “What are the advantages of mediation?” and “How can I help make mediation work?”

Format: Website

Date: None provided

“In mediation, a skilled, professional counsellor helps parents make decisions about the ongoing care of their children after separation. It can help parents make decisions about:

- how the children will spend time with each parent on weekdays, weekends, holidays; and
- how they will continue to make major decisions about education, religion, health care and activities.

Mediation is a voluntary process. It is not personal therapy or marriage counselling, although your mediator can help you obtain these services.”

Collaborative settlement processes

TITLE:

[Collaborative Processes](http://wiki.clicklaw.bc.ca/index.php?title=Collaborative_Processes) (http://wiki.clicklaw.bc.ca/index.php?title=Collaborative_Processes)

Provider: Clicklaw Wikibooks

Content: Provides a general introduction to collaborative settlement processes and the people involved in the collaborative process.

Format: Wikibook

Date: 2016

“In collaborative settlement processes, the parties, their lawyers, and their counsellors work together as a team to find a resolution of the issues arising from the breakdown of the parties’ relationship, and consult experts such as child specialists and financial specialists as the need arises. The collaborative process is meant to address both the legal and the emotional consequences of the breakdown of a relationship.

This section provides a brief introduction to collaborative settlement processes, a step-by-step overview of what happens, and a description of the roles played by each of the team members.”

TITLE:

[What Is Collaborative Family Law?](http://ow.ly/7qxn30azdX0) (<http://ow.ly/7qxn30azdX0>)

Provider: Community Legal Education Ontario

Content: Provides a helpful introduction to collaborative settlement processes and a description of steps in starting the collaborative process.

Format: Website

Date: 2016

“Collaborative family law, sometimes called collaborative practice, is an alternative dispute resolution process where you and your partner work together to resolve your legal issues out of court with the help of your own collaborative family lawyers.

You may also need to work with other collaborative professionals, such as a financial specialist or social worker.

Your collaborative professionals work together with you and your partner to help you agree on your issues. They offer a safe space to help you reduce conflict. Usually, you have several meetings with your collaborative professionals before you agree on your issues.”

Arbitration

TITLE:

[Family Law Arbitration](http://wiki.clicklaw.bc.ca/index.php?title=Family_Law_Arbitration) (http://wiki.clicklaw.bc.ca/index.php?title=Family_Law_Arbitration)

Provider: Clicklaw Wikibooks

Content: Provides a general introduction to arbitration, suggests when arbitration is appropriate and offers tips on how to hire an arbitrator.

Format: Wikibook

Date: 2016

“Arbitration is a dispute resolution process in which the parties hire a neutral third party, a family law arbitrator, to make a decision resolving their dispute that they agree they will be bound by. While the job of a mediator is to help two

people work towards a solution that they make for themselves, the arbitrator's job is to act like a judge and impose a resolution, after hearing the evidence and listening to the arguments of each party.

This section provides an introduction to arbitration and discusses when to use arbitration in a family law dispute. It also provides some suggestions about how to find a family law arbitrator.”

TITLE:

[What Is Arbitration?](http://ow.ly/WPgs30azdZz) (http://ow.ly/WPgs30azdZz)

Provider: Community Legal Education Ontario

Content: Provides an introduction to arbitration and a description of steps in selecting an arbitrator and starting the process.

Format: Website

Date: 2016

“Arbitration is an alternative dispute resolution process where you and your partner meet with an arbitrator to resolve your legal issues without going to court.

Arbitration is voluntary. This means that you and your partner have to agree to work with a mediator. You cannot be forced to use arbitration, or forced to agree on your issues.”

Parenting coordination

TITLE:

[Parenting Coordination](http://wiki.clicklaw.bc.ca/index.php?title=Parenting_Coordination) (http://wiki.clicklaw.bc.ca/index.php?title=Parenting_Coordination)

Provider: Clicklaw Wikibooks

Content: Provides a general introduction to parenting coordination, the role of the coordinator and scope of the coordinator's authority.

Format: Wikibook

Date: 2016

“Parenting coordination is a child-focused dispute resolution process for separated families. Parenting coordination deals with parenting disputes arising after an agreement or order has been made about parental responsibilities, parenting time or contact. Parenting coordinators are experienced family law lawyers, mental health professionals (counsellors, social workers, family therapists, and psychologists), mediators and arbitrators.”

TITLE:

[Understanding the Parenting Coordination Process](http://ow.ly/Ulb830aze1m) (http://ow.ly/Ulb830aze1m)

Provider: Association of Family and Conciliation Courts

Content: Discusses parenting coordination, how parents enter the process, and when it is likely to be most useful.

Format: Website

Date: None provided

“When children are exposed to ongoing conflict between their parents, they are at significant risk for social, academic and mental health problems, and may experience more difficulty with their own intimate relationships in the long term. Parenting coordination can help to reduce parents’ conflict and may shield children from exposure to their parents’ disagreements. The parenting coordinator can help parents resolve child-related issues in a timely manner without court involvement and can protect and sustain safe, healthy and meaningful parent-child relationships. Most importantly, the parenting coordinator can help parents focus on the best interests of their children, rather than on their anger toward one another.”

TITLE:

[What Is Parenting Coordination?](http://www.bcparentingcoordinators.com/) (www.bcparentingcoordinators.com/)

Provider: BC Parenting Coordinators Roster Society

Content: Provides information about the parenting coordination process and the role of the parenting coordinator.

Format: Website

Date: 2017

“Parenting coordination is a **child-focused dispute resolution process** for separated families. Parenting coordinators are experienced family law lawyers, counsellors, social workers, family therapists and psychologists who have special training in mediating and arbitrating parenting disputes, and in helping separated parents recognize the needs of their children. ...

Parenting coordination is a process that gives parents like these access to a neutral decision-maker who can resolve day-to-day parenting conflicts as they arise, with the goal of minimizing further conflict and additional appearances in court. Parents in conflict can retain a parenting coordinator on their own initiative or be referred to a parenting coordinator by the court.”



TITLE:

[What Is Parenting Coordination?](http://ow.ly/ufdV30aze4Z) (<http://ow.ly/ufdV30aze4Z>)

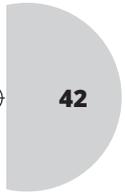
Provider: Community Legal Education Ontario

Content: Provides an introduction to parenting coordination and a description of steps involved in starting the process.

Format: Website

Date: 2016

“Parenting coordination is an alternative dispute resolution process where partners meet with a parenting coordinator for help with following the parts of their court order, family arbitration award or separation agreement that are about parenting.”



8. Navigating the court system

Court can be challenging for people without legal training, given the special rules to follow, forms to fill out and different laws and different processes for different problems. However, sometimes people need to be in court to resolve a legal problem and can end up there without a lawyer.

The resources in this chapter explain the court system, including that most provinces and territories have two levels of trial court. They also highlight that although the basic way courts work is the same, the forms they use and the rules that govern are different for each province and territory.

Family court

TITLE:

Tug of War: A Judge's Verdict on Separation, Custody Battles and the Bitter Realities of Family Court

Author: Justice Harvey Brownstone

Publisher: ECW Press

Content: Discusses the family court system, alternatives to litigation, legal principles applicable to family law cases, and how judges make decisions about parenting arrangements. Provides a list of tips for resolving parenting disputes.

Date: 2009

“After more than fourteen years of presiding in family court, one question has never ceased to amaze me: how can two parents who love their child allow a total stranger to make crucial decisions about the child’s living arrangements, health, education, extracurricular activities, vacation time, and degree of contact with each parent? This question becomes even more mind-boggling when one considers that the stranger making the decision is a judge, whose formal training is in the law, not in family relationship, child development, social work, or psychology.”

TITLE:

[Resolving Family Law Problems in Court](http://ow.ly/RaVj30aze7i) (http://ow.ly/RaVj30aze7i)

Provider: Clicklaw Wikibooks

Content: Provides a general description of court processes, from starting a lawsuit to having a trial, beginning with a caution against going to court unless a family law action is the best option.

Format: Wikibook

Date: 2016

“There are other ways of solving your problem than litigation. Going to court is only one of the ways to bring your dispute to an end. Other, less confrontational and less adversarial approaches include: negotiation, mediation, and collaborative settlement processes. All of these other approaches generally cost a lot less, and, because they are cooperative in nature, they’ll give you the best chance of maintaining a working relationship with your ex after the dust has settled. ...

While you should think twice before deciding that court is your only option, starting a lawsuit doesn’t mean that you can’t continue to try to negotiate a resolution outside of the court process.”

TITLE:

[Ontario's Family Courts Structure](http://ow.ly/actN30aze8J) (<http://ow.ly/actN30aze8J>)

Provider: Government of Ontario

Content: Describes the different courts for family law actions, with links to information about processes and family law information centres.

Format: Website

Date: 2015

“In Ontario, family law matters are heard in the Ontario Court of Justice, the Superior Court of Justice, or the Family Court branch of the Superior Court of Justice, depending on the issue in dispute and where you are located in the province.”

TITLE:

[Alberta Court Procedures](http://www.alberta.ca/court-procedures.aspx) (www.alberta.ca/court-procedures.aspx)

Provider: Government of Alberta

Content: Describes court and trial procedures, including links to court forms and for help filling them out, and about courtroom etiquette.

Format: Website

Date: None provided

“Resources for people involved in a Provincial Court case.”

TITLE:

[The Family Court](http://www.courts.ns.ca/Family_Court/NSFC_home.htm) (www.courts.ns.ca/Family_Court/NSFC_home.htm)

Provider: Courts of Nova Scotia

Content: Describes court and trial procedures, and links to rules of court, court forms, family law, frequently asked questions and information for people representing themselves in court.

Format: Website

Date: None provided

“The Family Court provides a forum for hearing issues relating to the family such as maintenance and custody/access. It sits only in areas of the Province outside of the Regional Municipality of Halifax (HRM) and outside of Cape Breton. It deals with all family law matters except divorce and division of property.

The Supreme Court sitting in these same areas hears matters involving divorce and division of property.”

Representing yourself in court

TITLE:

[Representing Yourself in Family Court](http://ow.ly/9s1y30azebn) (http://ow.ly/9s1y30azebn)

Provider: Centre for Public Legal Education Alberta

Content: Provides information about family law, the court system, starting a family law action and presenting evidence in court.

Format: PDF

Date: 2014

“This booklet explains how to make an application in court in Alberta. There is information about:

- people who were legally married and who lived in a common law relationship
- how to present evidence in court
- how to bring an application
- common problems and ways to solve them

We’ve also included some tips and hints that will help you if you are representing yourself in court.”

TITLE:

[Going to Court: Self-Represented Parties in Family Law Matters](http://ow.ly/WTxY30azecW) (http://ow.ly/WTxY30azecW)

Provider: Government of Nova Scotia

Content: Provides information about preparing for court, proving a case and the hearing process. Includes checklists about the laws and processes that apply, and issues and evidence needed for a family law action.

Format: PDF

Date: 2015

“A hearing or trial takes place when you and the other person involved in your court case, and your lawyers if you have them, go to court to have a judge make a decision.

Hearings and trials are the same thing. The meeting with a judge for a final child protection order or divorce is called a ‘trial’, and everything else is called a ‘hearing’. To keep things simple, the word ‘hearing’ will be used in this workbook for any reference to a procedure in court.

There is a lot to know about going to a hearing. This book will help you.”

TITLE:

[A Guide to Procedures in Family Court](http://ow.ly/GcJM30azef8) (http://ow.ly/GcJM30azef8)

Provider: Government of Ontario

Content: Provides information about starting a family law action, financial statements, filing and serving documents, hearing procedures and trial procedures.

Format: Website

Date: 2016

“The New ‘A Guide to Procedures in Family Court’ consolidates and replaces the following three Guides:

- Guide to Procedures in Family Court
- Guide to Procedures in the Ontario Court of Justice
- Guide to Procedures in the Superior Court of Justice.”

TITLE:

[Representing Yourself at Your Family Law Trial: A Guide](http://ow.ly/HFbj30azehR) (http://ow.ly/HFbj30azehR)

Provider: Ontario Court of Justice

Content: Provides information about preparing for trial, assistance for people needing accommodation and interpreters, rules of family court, making settlement offers, pre-trial processes, preparing witnesses and gathering evidence.

Format: Website

Date: 2012

“This is intended to help you represent yourself in a family law trial at the Ontario Court of Justice. Please be aware that this is basic information. It is not legal advice and it does not cover every situation that may come up in your trial.”

TITLE:

[What Do I Need to Represent Myself in my Family Law Case?](http://familylaw.lss.bc.ca/resources/fact_sheets/canIRepresentMyself.php) (http://familylaw.lss.bc.ca/resources/fact_sheets/canIRepresentMyself.php)

Provider: BC Legal Services Society

Content: Provides links about the legal system, court forms and court processes, and self-help guides for different court processes.

Format: Website

Date: 2014

“A large and growing number of people act as their own lawyers in the family law justice system in BC. If you plan to represent yourself, you’ll need reliable legal information.

This website can help you. Information is organized by topic.”

TITLE:

[Supreme Court Self-Help Resources](http://www.supremecourtselfhelp.bc.ca/self-help.htm) (www.supremecourtselfhelp.bc.ca/self-help.htm)

Provider: BC Justice Access Centre

Content: Provides links to websites, videos and guidebooks about starting family law actions, gathering information, preparing for court and hearing and trial processes.

Format: Website

Date: 2012

“Here are some materials that will help you understand the BC Supreme Court process. Unless otherwise indicated, this series of guidebooks, videos, and print materials is provided by the Justice Education Society. ...

You may also want to try Clicklaw, a website that provides user friendly, searchable access to key legal information, education and help for British Columbians. If you have a legal problem, are looking for legal help, want to learn about the law or are interested in law reform, Clicklaw can help you find answers to your questions. Resources available through Clicklaw were designed to be used by the public and those helping the public access legal information.”

TITLE:

[Representing Yourself](http://www.familylawnb.ca/english/faqs_representing_yourself) (www.familylawnb.ca/english/faqs_representing_yourself)

Provider: Public Legal Education and Information Service of New Brunswick

Content: Provides information about starting family law actions, finding and completing court forms, rules of court and serving documents. Links are provided to self-help guides, information about court procedures and resources about family law.

Format: Website

Date: 2012

“If you cannot afford a lawyer and you don’t qualify for legal aid, you may have to represent yourself. For some matters, like an uncontested divorce, where you and your spouse are not disputing anything, you may feel you can do it yourself. You should know that representing yourself may not be as easy as you might think. Even an uncontested divorce involves preparation of many forms, attention to detail, and following strict rules and procedures.”

TITLE:

[Information for Self-Representing](http://ow.ly/s5wu30azejW) (<http://ow.ly/s5wu30azejW>)

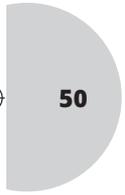
Provider: Manitoba Courts

Content: Discusses family breakdown, court processes and common family law issues like changing child support and applying for a divorce or for protection orders.

Format: Website

Date: 2016

“If you do not have a lawyer or plan to represent yourself, this is commonly called self-representing. Although you can represent yourself, you are advised to have a lawyer if at all possible. Often what seems like a simple legal matter is not simple and you may find it hard to properly explain your case to the court. This may result in a decision that you do not expect.”



9. Family violence

Family violence can affect every kind of family. Family violence includes physical abuse, sexual abuse and abuse that is mental, emotional or financial, as well as threats of family violence.

The presence or possibility of family violence can have special consequences when parents are separating or parenting apart. Although the safety of children and parents is an immediate concern, family violence can have significant long term effects on children's well-being, even when they are not being directly abused.

These factors impact the sort of parenting plan that is best for the children. They also impact how parenting plans are developed; processes like mediation may not be appropriate.

The resources in this chapter talk about family violence and how it impacts plans for parenting apart.

TITLE:

[Because Life Goes On: Helping Children and Youth Live with Separation and Divorce, Special Issues and Concerns](http://ow.ly/wTRG30azely) (<http://ow.ly/wTRG30azely>)

Provider: Public Health Agency of Canada

Content: Discusses how children may react to, what parents can do to help children deal with, and what children need to hear about family violence.

Formats: Website, PDF

Date: 2016

“Separation can increase the likelihood of violence in the home, particularly during and after the actual physical separation. This increased risk also applies to families where family violence has not occurred in the past.

You are not responsible for your partner’s anger, violence or abuse. However, how you react and what you decide to do in this situation is your responsibility. The very first thing is to protect yourself and your children. Reach out and talk to a friend, family member or someone you trust or call a helpline. When you need immediate help call 9-1-1 without hesitation. Safety for you and your children needs to be your priority.”

TITLE:

[About Family Violence](http://www.justice.gc.ca/eng/cj-jp/fv-vf/about-apos.html) (www.justice.gc.ca/eng/cj-jp/fv-vf/about-apos.html)

Provider: Justice Canada

Contents: Discusses the different types of family violence and the laws available to protect adults and children.

Format: Website

Date: 2017

“Family violence is when someone uses abusive behaviour to control and/or harm a member of their family, or someone with whom they have an intimate relationship.

Family violence includes many different forms of physical and emotional abuse, as well as neglect carried out by family members or intimate partners. It may include a single act of violence, or a number of acts that form a pattern of abuse. Family violence can have serious-and sometimes fatal-consequences for victims and for those who see or hear the violence.”

TITLE:

[Family Violence and Abuse](http://www.publiclegaled.bc.ca/family-violence-and-abuse/) (www.publiclegaled.bc.ca/family-violence-and-abuse/)

Provider: People’s Law School

Contents: Talks about the different types of family violence and legal protections available. Provides a glossary of legal terms, suggestions for family safety and tips for people thinking of leaving a relationship.

Formats: Wikibook, PDF, ePub

Date: 2014



“Family violence and abuse has a negative effect on children. It can affect them whether they see and hear it directly, or whether they find out about it later.

Research shows that children living in an abusive home environment may act out at school or at home. The child may have trouble making friends, become sick more easily, and can grow up thinking abuse is normal.”

TITLE:

[Violence in the Family](http://www.attorneygeneral.jus.gov.on.ca/english/family/violence.php) (www.attorneygeneral.jus.gov.on.ca/english/family/violence.php)

Provider: Government of Ontario

Contents: Talks about resources for people affected by family violence, laws that may apply when there has been family violence, including restraining orders and exclusive use of the family home, and things someone leaving a relationship should think about.

Format: Website

Date: 2015

“Domestic violence is a serious crime. Domestic violence is any use of physical or sexual force, actual or threatened, by your partner or ex-partner. Threatening, hitting, kicking, punching, pushing, stalking and harassing another person are crimes. Having sex with a person against that person’s will is also a crime. Being married does not change this. A person committing these acts can be arrested, charged, convicted and jailed.”

TITLE:

[Family Violence Initiative](http://www.phac-aspc.gc.ca/sfv-avf/initiative-eng.php) (www.phac-aspc.gc.ca/sfv-avf/initiative-eng.php)

Provider: Public Health Agency of Canada

Content: Talks about the federal government’s Family Violence Initiative and describes steps taken by different federal departments and agencies taking part in the initiative.

Format: Website

Date: 2016

“The Family Violence Initiative has been the federal government’s main collaborative forum for addressing family violence since 1988. The Family Violence Initiative brings together 15 partner departments and agencies to prevent and respond to family violence. The Initiative is led and coordinated by the Public Health Agency of Canada.”

TITLE:

[Family Violence](http://www.cyh.com/HealthTopics/HealthTopicDetails.aspx?p=114&np=99&id=1555) (www.cyh.com/HealthTopics/HealthTopicDetails.aspx?p=114&np=99&id=1555)

Provider: Women’s and Children’s Health Network

Content: Provides information about family violence and its effects on family life, parents and children.

Format: Website

Date: 2015



Caution: Uses Australian legal terminology

“Many families argue at times but domestic violence or family violence is more than just arguing. It is actions or words that hurt, scare, control or bully others.

Everyone in the family is harmed by violence, especially children. Living with the stress of violence affects children’s brain development even if they are not the victim. It can lead to problems with emotions and behaviour, and make it harder for them to learn.

Family violence hardly ever goes away without help. It often gets worse unless the person using violence changes their thinking and how they behave.”

TITLE:

[Making Plans: A Guide to Parenting Arrangements After Separation or Divorce: How To Put Your Children First, Special Issues](http://www.justice.gc.ca/eng/fl-df/parent/mp-fdp/p7.html) (www.justice.gc.ca/eng/fl-df/parent/mp-fdp/p7.html)

Providers: Justice Canada

Content: Discusses how family violence affects children, how to talk to children about family violence, and making parenting plans when family violence is a factor.

Formats: Website, PDF

Date: 2013

“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.”

TITLE:

[Surviving Relationship Violence and Abuse, Parenting and Property After You Leave](http://ow.ly/Ef9730aBm8b) (<http://ow.ly/Ef9730aBm8b>)

Provider: BC Legal Services Society

Content: Provides information on parenting arrangements when family violence is a factor, and about getting parenting plan orders, emergency orders and orders for parenting assessments.

Format: PDF

Date: 2013

“When any relationship ends, there can be a lot of matters to settle. You might have money, property, and/or children together ... However, your situation might also be complicated by a history of abuse. This chapter tells you about some of your options for dealing with the end of a relationship when there has been abuse.”

TITLE:

[The Effect of Family Violence on Post-Separation Parenting Arrangements](http://ow.ly/p2sk30azepH)

(<http://ow.ly/p2sk30azepH>)

Providers: Australian Institute of Family Studies

Content: Discusses how family violence affects children, how to talk to children about family violence, and making parenting plans when family violence is a factor.

Formats: Website, PDF

Date: 2011

Caution: Requires good reading skills, uses Australian legal terminology

“The overall aim of our research was to examine the impact of family violence (domestic violence and child abuse) during and after parental relationship breakdown from the perspective of children and parents, and the impact of the *Family Law Amendment (Shared Parental Responsibility) Act 2006*, specifically in relation to the effect that a history or existence of violence within the relationship had on:

- the decisions that people make about accessing the courts and dispute resolution services;
- decisions people make while using courts and dispute resolution services; and
- post-separation parenting arrangements.”

TITLE:

[Parenting After Violence: A Guide for Practitioners](http://ow.ly/s0sK30azesd) (<http://ow.ly/s0sK30azesd>)

Provider: Institute for Safe Families

Contents: Written for lawyers, mental health professionals and social workers, this resource talks about parents’ and children’s experiences of family violence and parenting after separation when family violence is a factor.

Format: PDF

Date: 2008

Cautions: Requires good reading skills, uses American legal terminology

“This Guide for Parenting After Violence has been designed to assist service providers and practitioners in working with families in which domestic violence has occurred. While many of the principles and activities may be applicable to work with families that have experienced other kinds of trauma (community violence, child abuse, death, substance abuse, or divorce, to name a few), the Guide addresses domestic violence specifically in order to accentuate the unique dynamics of violence that occurs between intimate partners. In fact, domestic violence ‘overlaps’ many of the other traumas listed above, and practitioners are encouraged to continually assess for the signs of domestic violence so that interventions are appropriate and comprehensive.”

TITLE:

[Domestic Violence, Parenting Evaluations and Parenting Plans](http://ow.ly/hkVC30azexa) (<http://ow.ly/hkVC30azexa>)

Provider: King County Coalition Against Domestic Violence

Contents: Written for mental health professionals and social workers, this resource discusses assessing for family violence and risks of family violence to children, and developing recommendations for parenting plans when family violence is a factor.

Format: PDF

Date: 2009

Cautions: Requires good reading skills, uses American legal terminology

“The goal of the project is to assist parenting evaluators in King County to more effectively and consistently integrate an understanding of domestic violence into their practice. ...

This document can serve as a guide for professionals charged with conducting parenting evaluations in family law cases. It is a first step to improving the consistency and effectiveness of parenting evaluations in cases that involve domestic violence.”

TITLE:

[What if Your Ex is Harassing You through the Courts?](http://ow.ly/nw5S30azeyF) (<http://ow.ly/nw5S30azeyF>)

Provider: BC Legal Services Society

Contents: Provides information about abuse through the court system and the things the court can do about it.

Format: Website

Date: 2013

“Court-related abuse and harassment happens when one party in a family law case uses the legal system or repeated or ongoing legal actions to harass and abuse the other party.”

TITLE:

[Allegations of Child Abuse in the Context of Parental Separation: A Discussion Paper](http://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2001_4/pdf/2001_4.pdf) (www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/2001_4/pdf/2001_4.pdf)

Provider: Justice Canada

Contents: Discusses what happens when claims of child abuse are made when parents separate, legal responses to claims of child abuse, and issues about false claims of child abuse.

Format: PDF

Date: 2001

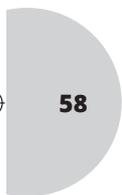
Caution: Requires good reading skills

“The tension, hostility and challenges that arise when parents separate are inevitably heightened if there are



allegations of child abuse. If the allegations are true, the child and a supportive parent will suffer; if those allegations are improperly dismissed by the courts as unfounded, the consequences for a child and a supporting parent can be devastating. An unfounded allegation can also have very damaging consequences for a child and the wrongly accused parent. This paper reviews what is known about these very difficult cases, and how our legal and social service systems try to achieve a balance between the various rights and interests that arise.”







10. Indigenous perspectives on family law

Indigenous people have distinct rights and perspectives on family law issues, and customary laws and justice practices may not always fit well with the common law and civil law principles used in most of Canada's courts. Many organizations, including government agencies, have prepared materials on family law issues from indigenous perspectives.

The resources in this chapter are written for indigenous people, and cover many family law topics.

TITLE:

[Your Family and the Law](http://aboriginal.legalaid.bc.ca/family/familyLaw.php) (<http://aboriginal.legalaid.bc.ca/family/familyLaw.php>)

Provider: BC Legal Services Society

Content: Provides information about parenting apart, child support, spousal support, the division of property and special considerations for parents living on reserve.

Format: Website

Date: 2014

“If you’re Aboriginal, certain legal issues get specific consideration in family court:

- property,
- child support,
- guardianship,
- parenting arrangements, and
- contact with a child.

For example, when the court considers the best interests of the child when making parenting orders, it may take into account your child’s Aboriginal heritage, traditions, and culture.”

TITLE:

[Family Law Information for Aboriginal Families](http://ow.ly/ALv830azeAk) (<http://ow.ly/ALv830azeAk>)

Provider: Government of Ontario

Content: Provides a video with family law information for aboriginal families.

Format: Website

Date: 2016

“This video was developed to help Aboriginal families learn about the effects of separation on children and adults and the options available to them to resolve their disputes.

The video covers topics such as:

- navigating the separation process
- family law issues
- alternatives to litigation
- the court process in Ontario.”

TITLE:

[Aboriginal People and Family Law Issues](http://lawfacts.ca/aboriginal/family) (<http://lawfacts.ca/aboriginal/family>)

Provider: Legal Aid Ontario

Content: Provides a short overview of family law issues affecting aboriginal people, when a person's aboriginal heritage is considered, and the services available to aboriginal people.

Format: Website

Date: None provided

"The Child and Family Services Act considers the unique legal status of Aboriginal people in Canada. In family law issues, parts of the Act take into account the family's Aboriginal culture and heritage in deciding the "best interests" of a child."

TITLE:

[Living Together or Living Apart](http://ow.ly/y9lq30azeCd) (<http://ow.ly/y9lq30azeCd>)

Provider: BC Legal Services Society

Content: Talks about how the best interests of the child are determined and the law on guardianship, parenting apart, child support, spousal support and property division for aboriginal persons.

Format: PDF

Date: 2013

"This chapter will give you an idea of how and where family law may be different for Aboriginal people. However, it's a good idea to read all the chapters in this booklet to have complete information about family law in BC."

TITLE:

[Aboriginal Family Law Issues](http://wiki.clicklaw.bc.ca/index.php/Aboriginal_Family_Law_Issues) (http://wiki.clicklaw.bc.ca/index.php/Aboriginal_Family_Law_Issues)

Provider: Clicklaw Wikibooks

Content: Talks about the care of children, child support, spousal support and the division of property and debt.

Format: Wikibook

Date: 2016

"Aboriginal people who are dealing with a family law problem may face some particular issues.

This section looks at issues specific to Aboriginal people that relate to the care and control of children, calculating the amount of child and spousal support payments, and dividing family property and family debt."

TITLE:

[Family Law Matters Involving Aboriginal People](http://ow.ly/2JKk30azeDF) (http://ow.ly/2JKk30azeDF)

Provider: Legal Aid Nova Scotia

Content: Talks about the division of property, child support, spousal support, customary adoption and custody.

Format: PDF

Date: 2016

“The *Indian Act* does not cover subject matters such as: social services, health, education, housing, policing, etc. Because the *Indian Act* does not cover these areas, Provincial laws fill in some of the gaps.

The following six sections are meant to provide some insight into the interplay of Family Law issues involving Aboriginal Peoples.”

Parenting and parenting apart

TITLE:

[Parenting: Legal Rights and Responsibilities](http://ow.ly/m3Kj30azeFy) (http://ow.ly/m3Kj30azeFy)

Provider: BearPaw Legal Education and Resource Centre

Content: Discusses issues about parenting for single parents, parents that are together and parents who are living apart, including pregnancy, naming children and establishing status under the *Indian Act*.

Format: PDF

Date: 2013

“Understanding the legal requirements of being a parent can be difficult. The purpose of this guide is to help new parents understand their rights and responsibilities when facing pregnancy and parenthood. The BearPaw Legal Education and Resource Centre ... is mandated to provide legal information and education for Aboriginal people residing in the province.”

TITLE:

[Aboriginal Parenting After Separation](http://ow.ly/GRGD30azeHC) (http://ow.ly/GRGD30azeHC)

Provider: Government of BC, Justice Education Society

Content: Provides information about helping children through separation, communication with the other parent, the legal issues involved in parenting after separation and making parenting plans.

Format: PDF

Date: 2007

“When parents separate or are living apart it is a very difficult time for children. They need love and support at this time and throughout the period when parents are living apart as all members of their family are adjusting to a new life.



This handbook will give you information about:

- The emotions experienced by adults during separation and divorce.
- How to assist children through the separation process.
- Dispute resolution options.
- The court system and court procedures.
- The Child Support Guidelines.
- Community resources.”

TITLE:

[Aboriginal People and Family Law Issues, Caring for Your Children After Separation or Divorce](http://ow.ly/EQt730azeK1)
(<http://ow.ly/EQt730azeK1>)

Provider: BC Legal Services Society

Content: Talks about how decisions about the guardianship of children and parenting may be impacted by a child’s Aboriginal ancestry and living on reserve.

Format: Website

Date: 2014

“Under family laws, all children — including Aboriginal children — have a right to stay connected with their culture and heritage. When it’s making decisions about parenting arrangements, what matters to the court is the actual practices or cultural experiences each parent will make available to the child. The court will consider a child’s Aboriginal ancestry as part of the best interests of the child.”

TITLE:

[Aboriginal Family Law Issues, the Care of Children](http://ow.ly/eq3r30azeMd) (<http://ow.ly/eq3r30azeMd>)

Provider: Clicklaw Wikibooks

Content: Talks about guardianship and custody of children and determining parenting time after separation.

Format: Wikibook

Date: 2016

“All of the usual factors that govern the court’s consideration of issues involving the care and control of children apply to the care and control of Aboriginal children, whether the child’s ancestry comes from one parent or from both. In addition to the usual factors, however, the court will also look at a few other issues related to the child’s Aboriginal heritage.”



Family violence

TITLE:

[Aboriginal Women and Family Violence](http://www.gov.mb.ca/fs/fvpp/aboriginal.html) (www.gov.mb.ca/fs/fvpp/aboriginal.html)

Provider: Government of Manitoba

Content: Talks about resources for women affected by family violence and provides a link to making a protection plan.

Format: Website

Date: None provided

“Research shows violence is higher among Aboriginal women than non-Aboriginal women. According to Statistics Canada ... Aboriginal women are almost three times more likely to have been a victim of a violent crime, and are significantly more likely to report the most severe and potentially life-threatening forms of violence.”

TITLE:

[Surviving Relationship Violence and Abuse, Violence Against Aboriginal Women in Relationships](http://lss.bc.ca/resources/pdfs/pubs/Surviving-Relationship-Violence-and-Abuse-eng.pdf)
(<http://lss.bc.ca/resources/pdfs/pubs/Surviving-Relationship-Violence-and-Abuse-eng.pdf>)

Provider: BC Legal Services Society

Content: Provides information on types of family violence, and the effects of family violence on adults and children.

Format: PDF

Date: 2013

“This chapter is for any Aboriginal woman who is being abused, assaulted, or harassed by her partner or ex-partner. It gives you legal information about your rights and options.”

TITLE:

[Family Violence Prevention in Aboriginal Communities](http://www.thehealingjourney.ca/main.asp) (www.thehealingjourney.ca/main.asp)

Provider: The Healing Journey

Content: Provides tools on preventing family violence, fact sheets and information on family violence, safety planning for Aboriginal women and for teens in dating relationships.

Format: Website

Date: 2006

“This site offers a number of publications for people who are working in the area of family violence prevention for Aboriginal communities - both on- and off-reserve. Our Mi’Kmaq and Maliseet partners encourage you to use the information on this site. It may help you to create responses to family violence both in terms of crisis intervention, public education and prevention. Tell us what you are doing in your community to prevent family violence or share your own personal journey to a violence free life.”

11. Travelling with children and child abduction

Parents travelling with children generally need the permission of the other parent. When traveling outside Canada, it's often necessary to show police and border guards that the other parent has agreed to the trip or that the parent has legal authority to travel with the child.

A parent abducts a child when the parent takes the child from the other parent, intending to keep the child away from the other parent and without the other parent's permission or a legal right to take the child. Taking a child away from a parent can be abduction whether or not there is an agreement or court order in place.

The resources in this section talk about travelling with a child with the permission of the other parent, what happens when a parent abducts a child, and the steps the other parent can take when a child has been abducted.

Travelling with children

TITLE:

[Children and Travel](https://travel.gc.ca/travelling/children/children-travel) (<https://travel.gc.ca/travelling/children/children-travel>)

Provider: Travel and Tourism Canada

Content: Provides information about travelling with children, children travelling alone and documents that may be required for children's travel. Includes sample travel consent letters in PDF, fillable PDF and Word formats.

Format: Website

Date: 2016

“Whether your children are travelling abroad with you or on their own, preparation for their journey should begin well before they leave Canada. Here is the important advice you need to ensure that they have a safe and happy trip.”

TITLE:

[How to Apply for a Child's Passport](http://www.cic.gc.ca/english/passport/child/apply-how.asp) (www.cic.gc.ca/english/passport/child/apply-how.asp)

Provider: Immigration and Citizenship Canada

Content: Provides information and forms to apply for a passport on behalf of a child.

Format: Website

Date: 2017

“Only the following people can apply for a child's passport:

- One of the child's parents
- In the case of separation or divorce, the parent who has custody of the child (separation agreements and court orders must be provided)
- The child's legal guardian (proof of legal guardianship must be provided)

Each legal parent or guardian should sign the application form. The Passport Program may contact the other legal guardian or parent.”

TITLE:

[Travel Advice and Advisories](https://travel.gc.ca/travelling/advisories) (<https://travel.gc.ca/travelling/advisories>)

Provider: Travel and Tourism Canada

Content: Provides information about other countries, including travel warnings from the federal government and countries' exit and entry requirements. Provides critical information about other countries' laws and customs by subject. The 'Marriage and divorce' and 'Custody of children' subjects must be read whenever travelling outside of Canada with children or a spouse.

Format: Website

Date: 2017

“No matter where in the world you intend to travel, make sure you check your destination country’s travel advice and advisories page twice: once when you are planning your trip, and again shortly before you leave. If the region or the country you will be visiting becomes subject to a travel advisory, your travel health insurance or your trip cancellation insurance may be affected.”

TITLE:

[WestJet: Unaccompanied Minors](http://www.westjet.com/en-ca/travel-info/children/unaccompanied) (www.westjet.com/en-ca/travel-info/children/unaccompanied)

Provider: WestJet

Content: Describes the airline’s unaccompanied minor program, including the identification required for children to travel and the identification required of people dropping-off and picking-up unaccompanied minors.

Format: Website

Date: None provided

“WestJet is pleased to offer an unaccompanied-minor program for children travelling without a guardian. The information below is intended to help you determine if this program is right for your child. There are a few critical points to cover, but it will only take a few minutes to prepare your child to boldly go where they’ve never gone before.”

TITLE:

[Air Canada: Children and Travel](http://ow.ly/Hj9E30azeQt) (<http://ow.ly/Hj9E30azeQt>)

Provider: Air Canada

Content: Describes the airline’s unaccompanied minor program, including the identification required for children to travel and the identification required of people dropping-off and picking-up unaccompanied minors.

Format: Website

Date: None provided

“Over 10,000 young travelers fly unaccompanied with us each year. And with our Unaccompanied Minor service, every one of them receives the best care from our highly trained staff from the moment they arrive at airport until they reach their destination.”

Child abduction and prevention

TITLE:

[International Child Abduction: A Guidebook for Left-Behind Parents](https://travel.gc.ca/travelling/publications/international-child-abductions) (<https://travel.gc.ca/travelling/publications/international-child-abductions>)

Provider: Travel and Tourism Canada

Content: Provides information about stopping abductions in progress, finding abducted children in other countries and bringing abducted children back to Canada. Includes a directory of resources and checklists for each stage of the recovery process.

Formats: Website, PDF

Date: 2014

“International child abductions are difficult and complex situations. Unfortunately, they are not uncommon. Every year, hundreds of Canadian children are wrongfully taken from Canada or held in another country by abducting parents.

An international child abduction occurs when a parent, guardian or other person with lawful care of charge of a child removes that child from Canada, or retains that child outside Canada, without either the legal authority or permission of a parent who has full or joint custody rights.”

TITLE:

[Child Abduction and Custody Issues](http://ow.ly/33L930azeT5) (<http://ow.ly/33L930azeT5>)

Provider: Travel and Tourism Canada

Content: Discusses the international effect of Canadian parenting orders, assistance government officials can provide if a child has been abducted and limits on the power of government officials.

Format: Website

Date: 2016

“Canadian officials abroad work closely with local authorities to advocate for the safety, protection and well-being of Canadian children overseas. They also seek the cooperation of provincial and territorial child welfare authorities to ensure that children are protected from harm. If a Canadian child overseas is a victim of sexual assault, neglect, physical violence or abuse, you are encouraged to report it to the nearest Canadian government office abroad of from Canada to the Emergency Watch and Response Centre.

Canadian officials abroad can also take emergency measures on behalf of Canadian children facing the threat of being, or forced into, marriage abroad, requesting protection from local social services, if required.”

TITLE:

[Frequently Asked Questions about International Child Abduction](http://ow.ly/1MOG30azeW1) (<http://ow.ly/1MOG30azeW1>)

Provider: Government of BC

Content: Discusses the Hague Convention on the Civil Aspects of International Child Abduction, the main international treaty on child abduction, and describes how the Convention works when a child has been taken to a country that has signed the Convention.

Format: Website

Date: None provided

“The Convention has two objectives:

1. To ensure that children who are wrongfully removed or retained from their place of habitual residence are returned promptly, and
2. To enable contact or access to children across international borders



The Convention does not decide which parent should have guardianship or custody of the child. Instead, it leaves that decision to the country of the child's habitual residence, if the child is ordered to be returned.

The Convention is based on an assumption that it is harmful to children to be unilaterally taken from their country of habitual residence, and seeks to deter such actions. It also assumes that guardianship and custody decisions are best made in the country of the child's habitual residence, as this is where most evidence about the child's life can be found.”

TITLE:

[International Parental Child Abduction](http://ow.ly/2WzS30aMhf1) (<http://ow.ly/2WzS30aMhf1>)

Provider: UK Foreign and Commonwealth Office

Content: Provides steps to help prevent parental child abduction and to take when a child has been abducted.
Describes the purpose and effect of the Hague Convention on the Civil Aspects of International Child Abduction.

Format: PDF

Date: 2014

Caution: Refers to English helping agencies

“Has your child been taken or kept overseas by their other parent or a relative without your permission? Are you worried that this might happen? This leaflet will tell you what you can do and who to contact.”

TITLE:

[Child Abduction and Custody Issues](http://ow.ly/Ls3p30azeZW) (<http://ow.ly/Ls3p30azeZW>)

Provider: Travel and Tourism Canada

Content: Discusses the international effect of Canadian parenting orders and provides steps to prevent child abduction, including preventing passports from being issued to children.

Format: Website

Date: 2016

“Canadian officials abroad work closely with local authorities to advocate for the safety, protection and well-being of Canadian children overseas. They also seek the cooperation of provincial and territorial child welfare authorities to ensure that children are protected from harm. If a Canadian child overseas is a victim of sexual assault, neglect, physical violence or abuse, you are encouraged to report it to the nearest Canadian government office abroad of from Canada to the Emergency Watch and Response Centre.”

TITLE:

[Preventing the Abduction of Your Child](http://ow.ly/LMk730azf14) (<http://ow.ly/LMk730azf14>)

Provider: Travel and Tourism Canada

Content: Provides a list of warning signs of potential abduction and a list of preventative tools and tips.

Formats: Website, PDF

Date: 2014

“How do you know the other parent is planning an international child abduction? What can you do to keep it from happening? This section gives you some answers to those questions. It also tells you what information you should gather before an abduction happens just in case it does. And it gives some advice on what to say to your child.”

TITLE:

[Early Identification of Risk Factors for Parental Abduction](http://www.ncjrs.gov/pdffiles1/ojjdp/185026.pdf) (www.ncjrs.gov/pdffiles1/ojjdp/185026.pdf)

Provider: US Department of Justice

Content: Discusses research on parental abduction, potential warning signs that a parent may abduct a child, and profiles of six situations where abduction is especially likely.

Format: PDF

Date: 2001

Cautions: Requires good reading skills, uses American legal terminology

“Although custody laws vary from State to State, abducting one’s own child is a crime in every State. If a parent or other family member takes, hides, or keeps a child away from a parent with custody or visitation rights, then he or she may have committed a crime. More important, a child often is harmed by life on the run and by being deprived of his or her other parent. Prior to abduction, many of these children have been exposed to neglectful and abusive behaviors in their homes and have witnessed high levels of conflict between their parents. These children are at risk for psychological harm.”

TITLE:

[Prevention Tips](https://travel.state.gov/content/childabduction/en/preventing/tips.html) (<https://travel.state.gov/content/childabduction/en/preventing/tips.html>)

Provider: US Department of State

Content: Provides a short list of steps to take to prevent parental child abduction.

Format: Website

Date: None provided

Caution: Refers to American helping agencies

“Learn about warning signs and preventative measures you can take.”

12. Information for children and youth about separation

Many things parents experience when they separate are adult problems. However, children need to know what's going on in their lives too, including information about how they may be affected by the separation.

Some of the resources in this chapter help parents explain to children what's happening in their lives and what's in store for the future. A few provide sample scripts for use in explaining separation to children, written for children of different ages. Most of the resources are meant for children and youth to read on their own to help them understand the changes in their lives, the challenges their parents are experiencing and the legal aspects of parenting apart.

Talking to children and youth about separation

TITLE:

Helping Your Kids Cope with Divorce the Sandcastles Way

Author: M. Gary Neuman

Publisher: Random House

Content: Provides sample scripts to explain separation to children organized by age group.

Format: Book

Date: 1998

Caution: Uses American legal terminology

“How parents handle their divorce determines a lot about how their children will fare, both today and tomorrow. That sounds like a big responsibility, and it is. But it is also an incredible opportunity, for no one – no psychologist, member of the clergy, teacher, friend, or relative – shares with your child the extraordinary relationship you two have. No one knows your child better than you do, and no one is in a better position to give him the security, guidance, structure, and support he needs now. You may not be a child development expert, but you are something much better: a concerned, conscientious, and loving parent who’s willing to learn how to help your child. With your help, your child will not only be shielded from unnecessary pain and confusion surrounding divorce, he will grow and thrive. One day he will be able to look back on his childhood as a loving, joyful time touched by divorce, not a once-blissful state ruined forever by divorce.”

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TITLE:

[What Should We Tell the Children?: A Parents' Guide for Talking about Separation and Divorce](http://aaml.org/sites/default/files/What%20Should%20We%20Tell%20the%20Children.pdf)

(<http://aaml.org/sites/default/files/What%20Should%20We%20Tell%20the%20Children.pdf>)

Provider: American Academy of Matrimonial Lawyers

Content: Provides information about why it’s important to talk to children about separation, how to prepare children to talk about separation, and what children need to know about separation and how to say it.

Format: PDF

Date: 2009

Caution: Uses American legal terminology

“This booklet was designed to help parents think about and accomplish a difficult task: what to say to their children when parents are separating. This source is also designed to increase children’s ability to deal successfully with the stress and disruption of divorce and separation.”

Information for children and youth

TITLE:

[What happens next? Information for kids about separation and divorce](http://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/index.html#toc)

(www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/index.html#toc)

Provider: Justice Canada

Content: Written for children, this website provides an introduction to the law and how family law disputes are resolved, parenting plans, blended families and family violence. The website has definitions of common legal words and phrases and is written in child-friendly language.

Formats: Website, PDF

Date: 2015

“This booklet has two purposes. First, it’s meant to help children between nine and twelve years old learn some basic facts about family law and give them an idea of the processes that parents may go through when they split up.

Second, it’s meant to help children realize that it’s normal for them to have an emotional response to the divorce of their parents. The booklet encourages children to think about voicing their concerns to someone they trust — like parents, grandparents, uncles and aunts or family friends, neighbours or someone from their church, synagogue or mosque.”

TITLE:

[Families Change: Guide to Separation and Divorce \(Kids\)](http://familieschange.ca/en) (<http://familieschange.ca/en>)

Provider: Government of BC, Justice Education Society

Content: Written for children, this website provides information for each province and territory to help children through their parents’ separation with animation, dialogue and text.

Formats: Website

Date: None provided

“Separation and divorce have a profound impact on all family members. Loss of security is often coupled with intense feelings of grief. The stress can be overwhelming for kids, teens and parents.

This website can help. Get age-appropriate information to guide you through separation and divorce. Be sure the information is correct for your province. Select your age group and explore content in other sections too.”

TITLE:

[Where Do I Stand?: A Children's Legal Guide to Separation and Divorce](http://www.attorneygeneral.jus.gov.on.ca/english/family/wheredoi.php) (www.attorneygeneral.jus.gov.on.ca/english/family/wheredoi.php)

Provider: Government of Ontario

Content: This website provides simple information about separation and the legal issues involved in separation in



a question-and-answer format, what happens if parents go to court and how support is paid. Includes a dictionary of common legal terms.

Format: Website

Date: 2015

“This is a pamphlet for children whose parents separate or divorce. Separation or divorce is the result of problems between parents. It is not the children’s fault. The children can’t stop it from happening. But it does affect children a lot. You may have questions about the law of separation and divorce. This pamphlet’s goal is to try and answer those questions.

This pamphlet is about law, and does not talk about your feelings about separation and divorce. There is a list at the back which suggests some of the books you might want to read about how most children feel when their parents separate or divorce.”

TITLE:

The Bright Side: Surviving Your Parents’ Divorce

Publisher: Health Communications, Inc.

Author: Max Sindell

Content: Written for children, this book discusses relationships of parents, stepparents and stepfamilies, and navigating family conflict in simple, easy-to-understand language.

Format: Book

Date: 2007

“This book is for you, not your parents. This whole process you’re going through is tough. Believe me, I know. I’ve been there. Divorce ran in my family before I was even born. My parents were divorced when I was six. I’ve had multiple stepparents, stepbrothers and halfbrothers, a lot of which you’re probably going to have sometime, maybe soon. It’s all so confusing, trying to figure out how to deal with hundreds of new situations and how to keep everything straight. It’s easy to forget where you stand in the world.”

TITLE:

Divorce is Not the End of the World: Zoe and Evan’s Coping Guide for Kids

Publisher: Tricycle Press

Authors: Zoe Stern, Evan Stern, Ellen Sue Stern

Content: This book provides a children’s perspective on separation and living in two homes, talking to friends about separation, how parents talk to children about separation and learning to live with stepfamilies, in positive and easy-to-understand language.

Format: Book

Date: 2008

“I wrote this book because I’ve been through divorce and will always be a ‘divorced kid.’ I know that it’s really hard



and it hurts. I hope this book will help any and all kids who are hurting or in need of some comfort and advice. ... For me, my parents' divorce was hard at first, but I overcame my sadness and my fears about it. I know that my parents are happy apart. And I'm happy with the way things are, too. I hope that, through this book, you will realize that divorce can sometimes be for the better. You may end up with happier parents, and you will definitely learn a lot about yourself. And that's the whole point of growing up."

TITLE:

Two Homes

Publisher: Candlewick Press

Author: Claire Masurel

Content: Written for younger children, this book provides a reassuring take on separation and focusses on what children may gain rather than what they may lose.

Format: Book

Date: 2001

"At Mommy's house, Alex has a soft chair. At Daddy's house, Alex has a rocking chair. In each home, Alex also has a special bedroom and lots of friends to play with. But whether Alex is with Mommy or with Daddy, one thing is always the same – Alex is loved."

TITLE:

The Divorce Workbook for Children: Help for Kids to Overcome Difficult Family Changes and Grow Up Happy

Publisher: Instant Help Books

Author: Lisa M. Schab

Content: Helps children work through their parents' separations through relatable scenarios, each followed by a drawing or writing exercise to explore the reader's feelings and reactions to separation and promote children's resilience and self-reliance.

Format: Book

Date: 2008

"The activities in this workbook are very similar to the ones that a counsellor would use to help children overcome the negative effects of a divorce. They will help your child express her feelings, stay out of the middle of parental disagreements, cope with changes, and much more. Each activity teaches your child a new emotional intelligence skill, and once your child has learned these skills they can be applied to many other areas of life."

TITLE:

What happens next? Information for kids about separation and divorce

(www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/index.html#toc)

Provider: Justice Canada

Content: Written for children, this website provides an introduction to the law and how family law disputes are resolved, parenting plans, blended families and family violence. The website has definitions of common legal words and phrases and is written in child-friendly language.

Formats: Website, PDF

Date: 2015

“This booklet has two purposes. First, it’s meant to help children between nine and twelve years old learn some basic facts about family law and give them an idea of the processes that parents may go through when they split up.

Second, it’s meant to help children realize that it’s normal for them to have an emotional response to the divorce of their parents. The booklet encourages children to think about voicing their concerns to someone they trust — like parents, grandparents, uncles and aunts or family friends, neighbours or someone from their church, synagogue or mosque.”

TITLE:

Families Change: Guide to Separation and Divorce (Teens) (<http://familieschange.ca/en>)

Provider: Government of BC, Justice Education Society

Content: Written for youth, this website provides age-appropriate information, tailored to each province and territory, designed to help children through their parents’ separation.

Format: Website

Date: None provided

“Separation and divorce have a profound impact on all family members. Loss of security is often coupled with intense feelings of grief. The stress can be overwhelming for kids, teens and parents.

This website can help. Get age-appropriate information to guide you through separation and divorce. Be sure the information is correct for your province. Select your age group and explore content in other sections too.”

TITLE:

The Divorce Helpbook for Teens

Publisher: Impact Publishers

Author: Cynthia MacGregor

Content: Written for youth, this book talks about why parents separate and about difficult issues like the changes separation may bring, negotiating the demands of separated parents and understanding parenting time.



Format: Book

Date: 2004

“It’s rare for a divorce to leave the kids of the family untouched. Even when the parents have been fighting horribly for a long time, and the divorce brings welcome peace at last, there are issues to deal with: absent parents who don’t visit as often as they should (or as often as the kids might like); parents who use their kids to carry messages to the other parent; parents who use their kids as spies to find out what’s going on in the other parent’s household; and perhaps the kid missing the parent who no longer lives in the house.

These are only a few of the situations kids have to deal with when their parents end a marriage.”

TITLE:

The Divorce Workbook for Teens: Activities to Help You Move Beyond the Breakup

Publisher: Instant Help Books

Author: Lisa M. Schab

Content: Helps youth work through the experience of their parents’ separation through a series of relatable scenarios, each followed by a writing exercise designed to explore the reader’s emotional response to separation and the realities of living in separate homes.

Format: Book

Date: 2008

“Even though you are a teenager, you may feel like a little kid at times as you go through the experience of your parents’ divorce. Having a family split apart is a challenging and life-changing situation that can make anyone feel shaky and insecure. You are facing a change that you probably didn’t want or ask for. It is normal to be upset, but you can meet and conquer this challenge.

This book is designed specifically to help you work through and successfully handle the experience of your parents’ divorce. The exercises presented here won’t magically make things better. They won’t prevent your parents from splitting up, and they won’t help them get back together again. What they will do is help you better understand your thoughts and feelings about the situation, and provide you with the coping skills to handle it.”

TITLE:

[My Parents Are Splitting Up](http://youthlaw.ca/my-parents-are-splitting-up/) (<http://youthlaw.ca/my-parents-are-splitting-up/>)

Provider: Children’s Legal and Educational Resource Centre

Content: This website provides information about separation and parenting apart in a helpful question and answer format, and addresses common but difficult questions such as “Do I get to decide where I want to live?” and “Can I read court documents?”

Format: Website

Date: None provided

“Separation and divorce are difficult experiences for most parents. The emotional pressures of going through a divorce



can cause your parents to act differently, and while you can be supportive of your parents during their divorce, do not feel responsible for their emotional health or behaviours. Your parents may seek the help of counsellors, therapists, or other professionals in order to cope with the trauma of divorce, and you may want to talk to your mom or dad about participating or having your own counsellor if the divorce is difficult for you to deal with.

You are not alone. Almost 8,000 divorces occur in Alberta *every year*, and across Canada there are about 1.2 million separated or divorced parents with children younger than 18-years-old.”



13. Family law information and resources

The resources listed in this chapter are primary family law websites and key family law resources provided by the federal government and the governments of the provinces and territories. Links to family law legislation follow.

Government of Canada

TITLE:

[Family Law](http://canada.justice.gc.ca/eng/fl-df/index.html) (<http://canada.justice.gc.ca/eng/fl-df/index.html>)

Provider: Justice Canada

Content: The main family law resource from Justice Canada. It has comprehensive information on child support, spousal support, separation and divorce, parenting apart and making parenting plans.

Format: Website

Date: 2015

TITLE:

[Child Support Table Look-Up Tool](http://ow.ly/cCke30azf12) (<http://ow.ly/cCke30azf12>)

Provider: Justice Canada

Content: Calculates the basic amount of child support.

Format: Website

Date: 2015

TITLE:

[Spousal Support Advisory Guidelines](http://ow.ly/GqFw30azfmn) (<http://ow.ly/GqFw30azfmn>)

Provider: Justice Canada

Content: Provides the complete text of the Spousal Support Advisory Guidelines.

Formats: Website, PDF

Date: 2008

Alberta

TITLE:

[Family Law](http://ow.ly/vcJR30azfpK) (<http://ow.ly/vcJR30azfpK>)

Provider: Government of Alberta

Content: Family law resource provided by the Ministry of Justice and Solicitor General. More up to date information may be found through the main page of the **[Ministry's website](https://justice.alberta.ca/Pages/home.aspx)** (<https://justice.alberta.ca/Pages/home.aspx>).

Format: Website

Date: None provided

British Columbia

TITLE:

[Family Justice](http://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice) (www2.gov.bc.ca/gov/content/life-events/divorce/family-justice)

Provider: Government of BC

Content: Family law webpage provided by the Government of BC addressing frequently asked questions and providing links to the pages on separation and divorce, parenting apart, child support, spousal support and dividing property, as well as resources provided by the Legal Services Society, Clicklaw and the Justice Education Society.

Format: Website

Date: None provided

Manitoba

TITLE:

[Family Law](https://www.gov.mb.ca/justice/family/law) (https://www.gov.mb.ca/justice/family/law)

Provider: Government of Manitoba

Content: The family law resource provided by the Ministry of Justice, with links to information about grandparent and family access, child support and child support recalculation and spousal support, and to Family Law in Manitoba (an information booklet with comprehensive information about family law in the province).

Format: Website

Date: None provided

TITLE:

[Family Law in Manitoba, 2014](http://ow.ly/E5ok30azfs9) (http://ow.ly/E5ok30azfs9)

Provider: Government of Manitoba

Content: Provides information about family law in Manitoba, including court processes, married and unmarried relationships, separation and divorce, guardianship and parenting apart, child support, spousal support and the division of property.

Format: PDF

Date: 2014

New Brunswick

TITLE:

[Family Justice and Court Resources](http://ow.ly/aHbD30azfuu) (http://ow.ly/aHbD30azfuu)

Provider: Government of New Brunswick

Content: The family law webpage from the Department of Justice and Public Safety providing links to the province's parenting apart program and services related to child support. More comprehensive topical information is available from the [Public Legal Education and Information Service of New Brunswick](http://www.legal-info-legale.nb.ca/en/family_law_general) (www.legal-info-legale.nb.ca/en/family_law_general).

Format: Website

Date: None provided

Newfoundland and Labrador

TITLE:

[Families](http://www.justice.gov.nl.ca/just/families.html) (www.justice.gov.nl.ca/just/families.html)

Provider: Government of Newfoundland and Labrador

Content: The family law webpage provided by the Department of Justice and Public Safety providing links to information about child support, separation and divorce. More comprehensive topical information is available in the Public Legal Information Association of Newfoundland and Labrador's booklet "[The Family Law Guide for Newfoundlanders and Labradorians](http://ow.ly/nmKT30aMiYi)" (http://ow.ly/nmKT30aMiYi).

Format: Website

Date: 2016

Northwest Territories

TITLE:

[Family Law in the NWT](http://ow.ly/cVid30aMjlr) (http://ow.ly/cVid30aMjlr)

Provider: Government of the Northwest Territories

Content: This family law booklet is provided by the Ministry of Justice, offering information about the court system, separation and divorce, custody and parenting apart, child support, spousal support and the division of property.

Format: PDF

Date: 2017

Nova Scotia

TITLE:

[Family Law Nova Scotia](http://www.nsfamilylaw.ca/) (www.nsfamilylaw.ca/)

Provider: Government of Nova Scotia

Content: Website provided by the Department of Justice in collaboration with other legal service providers, including Nova Scotia Legal Aid, the Nova Scotia Barrister's Society and the Canadian Bar Association Nova Scotia. It provides information about the court system separation and divorce, custody and access, child support and spousal support. Links to the court intake program, court forms and the parenting apart program are also provided.

Format: Website

Date: None provided

Ontario

TITLE:

[Family Law in Ontario](http://www.attorneygeneral.jus.gov.on.ca/english/family/) (www.attorneygeneral.jus.gov.on.ca/english/family/)

Provider: Government of Ontario

Content: This family law resource provided by the Ministry of the Attorney General provides information about separation and divorce, parenting apart, child support and spousal support, and provides links to other resources provided by Community Legal Education Ontario and Legal Aid Ontario.

Format: Website

Date: 2016

Prince Edward Island

TITLE:

[Family Law](http://www.princeedwardisland.ca/en/topic/family-law) (www.princeedwardisland.ca/en/topic/family-law)

Provider: Government of Prince Edward Island

Content: Webpage provided by the Department of Justice and Public Safety provides links to information about mediation, child support and parenting apart. More detailed information is available from the family law websites of the [Community Legal Information Association of PEI](http://www.clapei.ca/content/page/publications_family) (www.clapei.ca/content/page/publications_family).

Format: Website

Date: None provided

Quebec

TITLE:

[Separation, Divorce and Dissolving a Civil Union](http://ow.ly/k5BD30azfxl) (<http://ow.ly/k5BD30azfxl>)

Provider: Government of Quebec

Content: One of several webpages from the Quebec Ministry of Justice on family law with information about separation and divorce, caring for children, child support, spousal support and division of property. Provides links to other government websites with more detailed information on mediation, the court system, the division of property, the rights of grandparents and child support.

Format: Website

Date: 2016

TITLE:

[The Québec Model for the Determination of Child Support Payments](http://www.justice.gouv.qc.ca/english/publications/generale/pdf/modele_brochure2016-a.pdf) (http://www.justice.gouv.qc.ca/english/publications/generale/pdf/modele_brochure2016-a.pdf)

Provider: Government of Quebec

Content: Describes how child support is calculated in Quebec and discusses how parents' disposable income is calculated, and how orders and agreements are made and adjusted.

Format: PDF

Date: 2015

Saskatchewan

TITLE:

[Separating or Getting a Divorce](http://ow.ly/NhRg30azfz8) (<http://ow.ly/NhRg30azfz8>)

Provider: Government of Saskatchewan

Content: Webpage provides links to information about child support, custody and parenting apart, separation and divorce. More comprehensive information is available from the Family Law Saskatchewan website, a project of the **[Public Legal Education Association of Saskatchewan](http://familylaw.plea.org/)** (<http://familylaw.plea.org/>).

Format: Website

Date: None provided

Yukon

TITLE:

[Family Law](http://www.justice.gov.yk.ca/family_law.html) (www.justice.gov.yk.ca/family_law.html)

Provider: Yukon Government

Content: Webpage provided by the Department of Justice provides links to the websites of the Family Law Information Centres and the Maintenance Enforcement Program. The information centres' [website](http://www.yukonflic.ca/index.html) (www.yukonflic.ca/index.html), offers more detailed information about child support, parenting apart and grandparents' rights; the booklet "[Splitting Up: The Yukon Law on Separation](http://yplea.com/wp-content/uploads/2013/03/Splitting-Up-Booklet.pdf)" (http://yplea.com/wp-content/uploads/2013/03/Splitting-Up-Booklet.pdf) by the Yukon Public Legal Education Association also provides a lot of good information about family law and dispute resolution in the Yukon.

Format: Website

Date: 2016

General family law legal information

TITLE:

[Children in Family Law Matters](http://ow.ly/aBDL30azfAM) (http://ow.ly/aBDL30azfAM)

Provider: Clicklaw Wikibooks

Content: This wikibook provides a comprehensive discussion of parenting apart, including important legal concepts about care of children, parenting assessments, different kinds of parenting plans and how to deal with problems.

Format: Wikibook

Date: 2015

“This introductory section provides an overview of the law on the care of children after separation, and looks at traditional and developing concepts in this area of the law. It also discusses the interests that grandparents and other non-parents or guardians might have regarding the care of children. Other sections of this chapter look more closely at some of the non-legal issues involved with the care of children, including: parenting after separation, guardianship and contact, custody and access, making changes to orders and agreements involving children, and the problem of estrangement and alienation.”

TITLE:

[Child Custody and Access](http://www.justice.gov.nt.ca/en/child-custody-and-access/) (www.justice.gov.nt.ca/en/child-custody-and-access/)

Provider: Government of the Northwest Territories

Content: Provides a short explanation of common legal terms like sole custody, joint custody, shared custody and child support.

Format: Website

Date: None provided

“A parent with *custody* of a child is responsible for the physical care of the child, including where the child lives and the daily decisions about how they are raised. You must have custody of a child to be involved in making the major decisions about a child’s life such as their education, religion, and health care.

Access is the legal term for the right of the child and parent to spend time together. Although they may not have a role in making decisions, a parent with access has the right to receive information about the child’s education, health, and well-being. Other family members, like grandparents, can also have the right to access. Usually a parent who does not have custody will have access to the child.”

TITLE:

[Family Law in Manitoba, 2014](http://ow.ly/y9iA30azfD1) (<http://ow.ly/y9iA30azfD1>)

Provider: Government of Manitoba

Content: Discusses the meaning of sole custody, joint custody, shared custody and the best interests of the child, and talks about parenting plans in orders and agreements.

Format: PDF

Date: 2014

“The legal term *custody* refers to all the rights and duties related to the care of a child. This includes the right to make all important decisions about the child’s care and upbringing (*legal custody*), and the right to the actual everyday physical care and control of the child (*physical custody*). ...

Access usually means the right to have visits with a child, but it can also mean other kinds of contact, such as regular telephone calls, the right to send e-mail messages to the child or the right to send or receive cards or gifts.”

TITLE:

[The Family Law Guide for Newfoundlanders and Labradorians](http://ow.ly/co1Z30azfEi) (<http://ow.ly/co1Z30azfEi>)

Provider: Public Legal Information Association of Newfoundland and Labrador

Content: Discusses terms like custody, reasonable access and specified access, how decisions about custody and access are made, and the different kinds of arrangements that can be made for parenting apart.

Format: PDF

Date: 2009

“When two parents are living together in a common law relationship or are legally married, custody of a child is usually not an issue. However, the relationship between parents may break down resulting in separation and/or divorce. During this time, a decision must be made about who the child/ren will live with.”

TITLE:

[What You Should Know About Family Law in Ontario](http://ow.ly/d7T530azfG1) (<http://ow.ly/d7T530azfG1>)

Provider: Government of Ontario

Content: Provides an overview of family law in Ontario and discusses the law on custody, access and child support.

Format: Website

Date: 2012

“Parents are responsible for their children. When a family is living together, both parents share the responsibility for their children’s upbringing, education and everyday lives. This applies whether the parents are married or not.

When you separate, you have to arrange for the care of your children. They need a place to live, food and clothing. Most important, they need to feel loved and supported even though their parents are not living together.”

TITLE:

[Custody and Access, Guardianship, Parenting Arrangements and Contact](http://ow.ly/NKPI30azf-HA) (<http://ow.ly/NKPI30azf-HA>)

Provider: Canadian Bar Association British Columbia

Content: Talks about the meaning and difference between custody and guardianship, how parenting plans are decided, and when children’s views and voices are heard when making decisions about parenting plans.

Formats: Website

Date: 2014

“For couples that are thinking about separating or have already separated, the continued parenting of the children is often the biggest concern. This script discusses custody and access under the *Divorce Act* and guardianship, parenting arrangements and contact under the *Family Law Act*. It applies to anyone who is a parent, regardless of the nature of the parents’ relationship with each other.”

TITLE:

[Families and the Law: Child Custody and Parenting](http://ow.ly/uQf930azf1Y) (<http://ow.ly/uQf930azf1Y>)

Provider: Centre for Public Legal Education Alberta

Content: Discusses the law about custody and parenting in Alberta, including custody, guardianship and parenting plans.

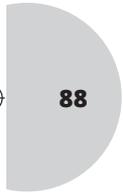


Formats: PDF

Date: 2014

“This booklet explains the law and parenting in Alberta. There is information about custody and guardianship, parenting plans, how to make agreements with the other parent, common problems and suggestions on how to resolve them.

Family law is complicated. Finding out about the law and your options is a very good first step. There are a lot of people and organizations who can help you. We’ve listed these referrals at the back of this booklet.”





15. Family law legislation

The resources listed in this chapter are the most up-to-date versions of the main laws about families, separation and parenting apart, hosted by the Canadian Legal Information Institute. Links to the main laws websites of the federal government and the governments of the provinces and territories are also provided.

Government of Canada

[Consolidated Acts](http://laws-lois.justice.gc.ca/eng/acts/) (http://laws-lois.justice.gc.ca/eng/acts/)

[Divorce Act](http://canlii.ca/t/7vbw) (http://canlii.ca/t/7vbw)

[Federal Child Support Guidelines](http://canlii.ca/t/80mh) (http://canlii.ca/t/80mh)

Alberta

[Laws Online/Catalogue](http://www.qp.alberta.ca/Laws_Online.cfm) (www.qp.alberta.ca/Laws_Online.cfm)

[Adult Interdependent Relationships Act](http://canlii.ca/t/827d) (http://canlii.ca/t/827d)

[Alberta Child Support Guidelines](http://canlii.ca/t/82zw) (http://canlii.ca/t/82zw)

[Family Law Act](http://canlii.ca/t/81vc) (http://canlii.ca/t/81vc)

[Matrimonial Property Act](http://canlii.ca/t/81r2) (http://canlii.ca/t/81r2)

British Columbia

[BC Laws](http://ow.ly/l7su30azfL8) (http://ow.ly/l7su30azfL8)

[Family Law Act](http://canlii.ca/t/8q3k) (http://canlii.ca/t/8q3k)

[Family Law Act Regulation](http://canlii.ca/t/8rdx) (http://canlii.ca/t/8rdx)

Manitoba

[Continuing Consolidation of the Statutes of Manitoba](http://ow.ly/kIEO30azfNM) (http://ow.ly/kIEO30azfNM)

[Child Support Guidelines Regulation](http://canlii.ca/t/8f5n) (http://canlii.ca/t/8f5n)

[The Family Maintenance Act](http://canlii.ca/t/8gz3) (http://canlii.ca/t/8gz3)

[The Family Property Act](http://canlii.ca/t/8grb) (http://canlii.ca/t/8grb)

New Brunswick

[Attorney General](http://laws.gnb.ca/en/BrowseTitle) (http://laws.gnb.ca/en/BrowseTitle)

[Child Support Guidelines Regulation](http://canlii.ca/t/898q) (http://canlii.ca/t/898q)

[Family Services Act](http://canlii.ca/t/88bd) (http://canlii.ca/t/88bd)

[Guardianship of Children Act](http://canlii.ca/t/8pw3) (http://canlii.ca/t/8pw3)

[Marital Property Act](http://canlii.ca/t/8rcm) (http://canlii.ca/t/8rcm)

Newfoundland and Labrador

[Consolidated Statutes and Regulations](http://www.assembly.nl.ca/legislation/sr/consolidation/) (www.assembly.nl.ca/legislation/sr/consolidation/)

[Child Support Guidelines Regulation](http://canlii.ca/t/8cct) (http://canlii.ca/t/8cct)



[Children's Law Act](http://canlii.ca/t/8b2p) (http://canlii.ca/t/8b2p)

[Family Law Act](http://canlii.ca/t/8b1v) (http://canlii.ca/t/8b1v)

Northwest Territories

[Legislation of the Northwest Territories](http://www.justice.gov.nt.ca/en/legislation/) (www.justice.gov.nt.ca/en/legislation/)

[Child Support Guidelines](http://canlii.ca/t/8hcf) (http://canlii.ca/t/8hcf)

[Children's Law Act](http://canlii.ca/t/8hrv) (http://canlii.ca/t/8hrv)

[Family Law Act](http://canlii.ca/t/8hsf) (http://canlii.ca/t/8hsf)

Nova Scotia

[House of Assembly Office of the Legislative Counsel](http://nslegislature.ca/legc/index.htm) (http://nslegislature.ca/legc/index.htm)

[Child Maintenance Guidelines](http://canlii.ca/t/876l) (http://canlii.ca/t/876l)

[Guardianship Act](http://canlii.ca/t/87bx) (http://canlii.ca/t/87bx)

[Child Maintenance Guidelines](http://canlii.ca/t/876l) (http://canlii.ca/t/876l)

[Matrimonial Property Act](http://canlii.ca/t/87xm) (http://canlii.ca/t/87xm)

Nunavut

[Statutes and Regulations](http://www.gov.nu.ca/justice/consolidated-law) (www.gov.nu.ca/justice/consolidated-law)

[Child Support Guidelines](http://canlii.ca/t/8kpb) (http://canlii.ca/t/8kpb)

[Children's Law Act](http://canlii.ca/t/8l2c) (http://canlii.ca/t/8l2c)

[Family Law Act](http://canlii.ca/t/8l2v) (http://canlii.ca/t/8l2v)

Ontario

[Consolidated Laws](http://www.ontario.ca/laws) (www.ontario.ca/laws)

[Child Support Guidelines](http://canlii.ca/t/s6k) (http://canlii.ca/t/s6k)

[Children's Law Reform Act](http://canlii.ca/t/8k) (http://canlii.ca/t/8k)

[Family Law Act](http://canlii.ca/t/2d8) (http://canlii.ca/t/2d8)

Prince Edward Island

[Statutes and Regulations](http://www.princeedwardisland.ca/en/legislation/all/all/a) (www.princeedwardisland.ca/en/legislation/all/all/a)

[Child Support Guidelines Regulations](http://canlii.ca/t/8dhw) (http://canlii.ca/t/8dhw)

[Custody Jurisdiction and Enforcement Act](http://canlii.ca/t/8d53) (http://canlii.ca/t/8d53)

[Family Law Act](http://canlii.ca/t/8d9j) (http://canlii.ca/t/8d9j)

Quebec

[LégisQuébec](http://ow.ly/G16R30azfQZ) (http://ow.ly/G16R30azfQZ)

[Family Law Act](http://canlii.ca/t/z35) (http://canlii.ca/t/z35)

[Regulation Respecting the Determination of Child Support Payments](http://canlii.ca/t/10pq) (http://canlii.ca/t/10pq)

Saskatchewan

[Complete List Acts and Regulations](http://www.qp.gov.sk.ca/index.cfm?fuseaction=publications.actreg&id=2) (www.qp.gov.sk.ca/index.cfm?fuseaction=publications.actreg&id=2)

[The Children's Law Act](http://canlii.ca/t/wv1) (http://canlii.ca/t/wv1)

[Family Maintenance Act](http://canlii.ca/t/x34) (http://canlii.ca/t/x34)

[Family Maintenance Regulations, 1988](http://canlii.ca/t/v8k) (http://canlii.ca/t/v8k)

[The Family Property Act](http://canlii.ca/t/wnj) (http://canlii.ca/t/wnj)

Yukon

[Acts and Regulations](http://www.gov.yk.ca/legislation/legislation/page_a.html) (www.gov.yk.ca/legislation/legislation/page_a.html)

[Children's Law Act](http://canlii.ca/t/8j6c) (http://canlii.ca/t/8j6c)

[Family Property and Support Act](http://canlii.ca/t/8jd1) (http://canlii.ca/t/8jd1)

[Yukon Child Support Guidelines](http://canlii.ca/t/8k66) (http://canlii.ca/t/8k66)

Please direct feedback, comments and enquiries to:

Contact email: cbafamilylaw@cba.org

Contact telephone: 1-800-267-8860

