

Parenting After Separation

*For your
child's future*



*A Handbook
for Parents*



Ministry of
Justice

Contents

1	Introduction	1	5	Resolving Legal Issues	25
	Who this handbook is for	1		In the best interests of the child	25
	Abuse and safety issues	1		Parenting arrangements	26
2	The Experience of Separating for Adults	3		Child support	28
	Separation: A process that occurs over time	3		Child Support Guidelines	29
	Emotions of separating	3		Developing a parenting plan	30
	Stages of separating	3		Sample parenting plan	31
	Tasks of separating for adults	3		How to decide on a parenting plan	32
	A time to plan where to go from here	4		Option 1: You and your former partner can agree	33
	Worksheet #1: Looking to the future: A self-assessment	5		Option 2: You can get help to reach an agreement	34
3	The Experience of Separating for Children	7		Option 3: You can get a lawyer to represent you in court	37
	What children often experience	7		Checklist: Choosing a lawyer	38
	What children most want to know	7		Provincial Court: Family case conference	39
	How children often respond	8		Changing court orders and agreements	40
	What children need to hear	11		Enforcing court orders	40
	What children do not need to hear	12		Worksheet #4: Parenting plan	41
	How to tell the children	12		Resources	45
	How parents can help children deal with the separation	13		Recommended Reading	46
	When to get professional help for your children	14		Worksheet #5: Life after separation: Ways parents cope	47
	Checklist: Best help for children of any age	15		Acknowledgments	49
	Tips for children: Surviving your parents' separation	16			
	Worksheet #2: Focusing on my child	17			
4	You and the Other Parent	19			
	Games some parents play	20			
	Dealing with the other parent, where safety issues are not involved	21			
	Tips on how to be businesslike when communicating with the other parent	21			
	Negotiating informally with the other parent	22			
	Pitfalls to watch for in informal negotiations	22			
	Worksheet #3: Practising positive communication skills	23			

This handbook focuses on the needs of children when parents separate and how you can help meet those needs.

Your children need your love and support throughout the separation, which is a difficult time for them. They also need your love and support through the post-separation years, as your family adjusts to a new life.



Introduction

The process of ending a relationship is a challenging one for parents. It can mean:

- developing new parenting arrangements;
- helping your children make a positive adjustment;
- dealing with your own emotions;
- making legal decisions in the best interests of the children.

This handbook provides information about:

- how children experience the process of separation and how you can help them;
- how parents experience the process of separation;
- how you can have a healthy parenting relationship with your children;
- what to do when safety issues are involved.

It also looks at:

- what options are available for making decisions;
- how you may be able to use mediation;
- what the Child Support Guidelines are and how they apply;
- what to expect if you need to go to court;
- where to get more information and help.

This handbook gives you tools to work with. You may wish to use the handbook over time, rather than going through it all at once. The worksheets at the end of each chapter provide an opportunity for self-reflection and help you plan the next steps.

Who this handbook is for

You may be:

- married;
- living common law; or
- have never lived with the other parent.

You may have already left the relationship or just be thinking about it.

This handbook is also for family and friends who have a relationship with the children.

Abuse and safety issues

If you feel your safety or your children's safety is at risk, making sure you and your children are safe is the number one priority.

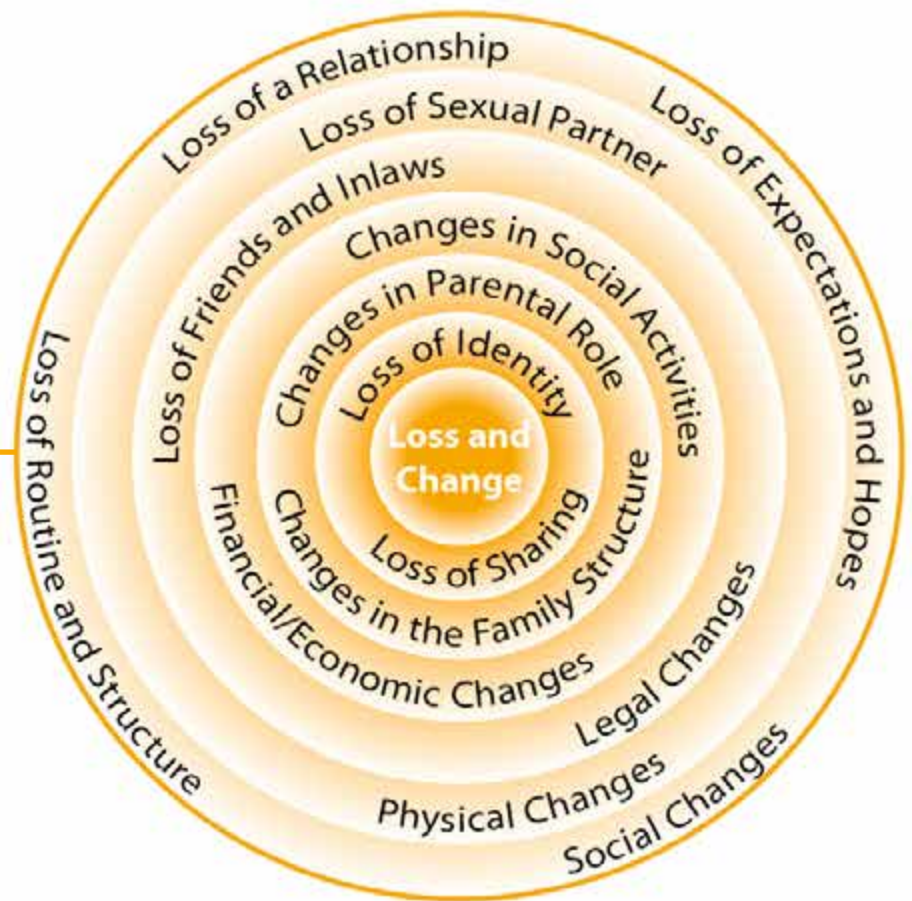
All adults have the responsibility to protect children from being victims of abuse or witnessing ongoing violence.

Some strategies for effective parenting that we describe in this handbook may NOT be appropriate in your situation.

If you are afraid for your and your children's safety, contact a family justice counsellor or call the VictimLINK Information Services Line at 1 800 563-0808. They will refer you to services near you. You may need to talk to a lawyer. Page 1 of this handbook describes court orders you can get to protect you and your children.



Many people describe the process of separation as being like layers of an onion.



The Experience of Separating for Adults

Our capacity to hear our children's point of view is enhanced when we acknowledge our own emotional experiences and try to understand them. When we are aware of what's happening with us, we can better help our children.

Separation: A process that occurs over time

Separation is a process that begins long before couples actually separate. With separation, adults experience loss at many levels. On one level, we lose the person we were once involved with. At another level, we lose the hopes or dreams we had for the relationship.

Researchers have found that in most cases it takes about two years to fully recover from a separation and that the process of recovery is similar to the grieving process.

Understanding our emotional experience during the process of separating helps us understand what our children are experiencing. We realize that they, too, are going through a grieving process.

Deciding to separate

The decision to separate is probably one you did not make rapidly or easily.

Often, couples try repeatedly to make the relationship work before deciding to end it.

In the end, most couples do not come to a mutual decision. Usually one partner is more ready to take the final step.

Emotions of separating

Everyone who separates from a partner experiences many different types of emotions.

You may feel sad, depressed, anxious, angry, happy, relieved, guilty and ashamed. People who are separating say that they experience more than one

emotion and that their emotions are unpredictable. You may feel happy and relieved in the morning, but angry and hurt in the afternoon. Most people say they feel shaky and vulnerable.

Feelings do not cause behaviour

We have no choice about what we feel, but we do have a choice about how we act on those feelings. We can choose to respond in ways that help the children make a positive adjustment.

How you handle your own feelings and how you relate to the other parent will affect how well your children adjust to the separation.

Example: If you can be aware that you are feeling depressed/angry/upset, you can choose what to do about it. You may choose to call on a friend or relative to help out with the role of parenting while you take some time to deal with your emotions.

Stages of separating

The stages of separating are a lot like the stages of grief. We are grieving for the end of the family as we have known it.

Usually a person who separates goes through four psychological stages of loss and grief:

1. Shock

When we are overwhelmed by strong emotions, our brain has a protective mechanism that shuts down feelings.

People in this stage usually say they feel nothing or they feel numb and anxious.

2. Anger

The numbness disappears and the feelings return. We may feel anger, resentment and anxiety. How can this be happening?

3. Transition

This is a period of confusion and mixed emotions. In this stage, we review the

relationship and what went wrong.

We may try to persuade our partner to come back. We may tell ourselves that if only we had done (or not done) certain things, the relationship would have continued.

People say they feel like they are on a roller coaster. One minute they feel relieved and certain. The next minute they feel sad and uncertain.

This is the stage when we begin to make the psychological shift from being part of a couple to being a single person again.

4. Acceptance

In this stage, we have accepted the separation. We may have established a working relationship with our former partner and we are moving forward in a new life.

Important: Not all people go through the stages in this order. Also, some people go through the stages in six months, while others may take less time or may take much longer. Some go through the stages before they even separate. Some flip-flop through the stages as they work through the process.

Tasks of separating for adults

Being able to identify your tasks helps you to separate them from the tasks your children face. It helps you distinguish between partner issues and parenting issues.

1. Acknowledging the loss

It is important to acknowledge and express sadness over the loss of your partner, as well as the end of hopes and dreams for the relationship. A loss that is not mourned can result in a preoccupation with your former partner's life.

2. Reclaiming yourself

This involves separating yourself from the relationship and establishing a new sense of self-identity. It is the move from “we” to “I.” It helps to remember the strengths you had before the relationship. It also helps to reach out to trusted friends and family members. You may wish to take advantage of counselling to help sort out your feelings. You need to take care of yourself physically, as well as emotionally.

3. Resolving anger/resentment

Separation can bring on feelings that can affect you for years. Emotional flashbacks or bitter feelings can be stirred up when you see your former partner or hear about what they are doing. It is important to resolve anger and resentment in a healthy way in order to move on. When anger continues, the children can be harmed by being used as weapons.

4. Dealing with changes in your other relationships

There may be changes in the way you relate to friends you had as a couple and in your former partner’s extended family.

5. Dealing with finances

It is likely that your finances are going to change upon separation. If necessary, seek financial counselling. You may have immediate issues about dealing with a drop in income and you will need a different long-term financial plan.

6. Gaining new confidence, venturing forth again

This task involves finding the courage to try new relationships and new roles.

7. Rebuilding

This task builds upon the others. The goal is to create a new, sustained relationship or to have a satisfying life as a single person.

A time to plan where to go from here

Separation is a major change in your life. It can also be a time to take stock and to plan where to go from here. With courage and determination, you can make this an opportunity for you and the children to learn about yourselves in a new way and to emerge stronger and more resilient than before.

Take a look at Worksheet #1, “Looking to the future: A self-assessment.” It starts on page 5. This is a tool to help you focus. It gives you an opportunity to review your life and plan your goals. Plan to complete the worksheet in your own time.

It may help to know that you are not alone. In Canada, over 40 per cent of all families experience separation. See Worksheet #5 on page 47 for some of the ways other parents have learned to cope.

A Note on Anger

It is understandable that both parents experience anger. However, if at any time you feel physically threatened by your partner, it is important to ensure your own safety and the safety of the children. Safety must be a parent’s top priority.

- If you must leave with the children, do so.
- If you are the one having trouble managing your anger, seek help from a counsellor. Until anger is understood and dealt with in a healthy way, it is likely to escalate.

This worksheet can help you get a clear idea of where you are in the process of separating. It can also help you plan your next steps and move forward.

Consider the following questions and think about being a new and happier person.

Who I was

How did I see myself in the relationship?

- Did I rely on my former partner to tell me who I was?
- Did I do too many things for their approval?

What have I learned from the experience:

1.

2.

3.

4.

5.

Where I am now

Think about the stages of separating this chapter has described (shock, anger, transition and acceptance). Then reflect upon your own reactions over the past week. Where would you place yourself within these stages?

Think about the tasks of separating, outlined on page 3-4.

Then reflect on where you are in the process of working through these tasks.

Where I am with:

Acknowledging the loss

Reclaiming myself

Resolving my anger/resentment

Dealing with changes in my other relationships

Dealing with my finances

Gaining new confidence, venturing forth again

Rebuilding

Think of some things that you can consciously choose to do in answer to the question: where do I go from here?

I can:

Who I wish to be

What are my goals, visions, dreams for the future?

What are my values?

How do I see myself growing?

Contract with myself

I will review this worksheet in ____ (weeks/months' time) and compare where I am in my process of dealing with the stages of grief and the tasks of separating.

The Experience of Separating for Children

How will this affect my children?

One of the most difficult questions parents have when deciding to separate is, "How will this affect my children?"

This chapter provides information about the experience of separation from the child's point of view. It suggests some strategies you may find useful to help your children through this time of tremendous change.

What children often experience

Children often experience anger, sadness, rejection and guilt. All of these emotions are confusing. They may also experience emotions such as relief, which they then feel guilty about.

Like adults, children experience stages of loss and grief. They often experience these emotions as a process with the following stages:

Stage 1: Denial. Mom and Dad will get back together again.

Stage 2: Anger. How can you do this to me? You let me down.

If you really loved me, you would stay together.

Stage 3: Bargaining. If I am really good, maybe you will get back together again.

Stage 4: Depression. I feel empty inside and nothing can make it go away.

Stage 5: Acceptance. Mom and Dad are not going to get back together. It's okay that my friends know my parents aren't together anymore.

As with adults, children may not go through these stages in order and the time the process takes varies from child to child.

Children's worst fears

- I did something wrong and that is why Mom and Dad are separating. It's my fault.
- If Mom and Dad loved each other before and now they don't, they might stop loving me, too.

What children most want to know

Research and the experience of professionals over the past 20 years tell us what children of separated parents most want to know:

- Mom and Dad will continue to love me.
- Mom and Dad will stop fighting.
- Both Mom and Dad will be here in my life.
- If I can't have that, at least one of my parents will be here in my life.



Stage 1: Denial



Stage 2: Anger



Stage 3: Bargaining



Stage 4: Depression



Stage 5: Acceptance

How children often respond

In general:

- Pre-schoolers focus on security.
- Elementary school children show depression and/or anger.
- Junior high and middle school students ask why, what is going on?
- High school students question the validity of relationships and commitment.

You can use the following checklists to understand what to expect from your child and their responses to your separation. You may wish to check off "Problem" or "No Problem" beside "What to watch for."

A. Infants (0 to 18 months)

Issues

- consistency of caregivers, environment and routine
- emotional connection with caregiver
- nurturing and love

What to watch for

- sleeping changes
- eating changes
- clingy behaviour/difficulty separating

What you can do to help

- maintain consistency in people and routines
- change routines gradually
- avoid angry expressions and emotional outbursts in front of the baby
- don't fight in front of the baby

Problem	No Problem
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>



B. Toddlers (18 months to 3 years)

Issues

- consistency of caregivers, environment and routine
- fear absent parent has disappeared
- nurturing and love
- concern about security (who will take care of me?)

What to watch for

- increased crying
- trouble getting to sleep/nightmares
- demanding to be fed by parent instead of feeding self
- changes in toilet habits
- increased anger (such as temper tantrums and hitting)
- clinging to adults or security objects

What you can do to help

- give love and affection
- give verbal assurances (Mom and Dad both say, "I love you")
- maintain consistency of people and routines
- reassure the child that they will be cared for
- provide a clear and simple explanation of changes
- allow the child to express feelings through words or play
- avoid angry expressions or emotional outbursts in front of the child
- don't fight in front of the child

Problem	No Problem
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>

C. Pre-schoolers (3 to 5 years)

Issues

- fear of being abandoned/rejected
- doubts they are lovable (did Mommy/Daddy leave because I'm not good enough?)
- blame themselves for what happened (did I cause this because I was bad?)

What to watch for

- going back to younger sleeping/eating/talking behaviour
- clingy behaviour/difficulty with separation
- increased anger
- increased passivity (over-compliance)

What you can do to help

- give love and affection
- provide verbal assurance (Mom and Dad both say, "I love you")
- maintain consistency of people and routines
- reassure the child they will be cared for
- provide a clear and simple explanation of changes
- provide opportunities for the child to express feelings through words or play
- avoid angry expressions or emotional outbursts in front of the child
- don't fight in front of the child

Problem	No Problem
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>

D. Young school-age children (6 to 8 years)

Issues

- longing for absent parent
- dreaming about parents getting back together
- feeling the need to take the side of one parent
- concern about parent’s well-being
- guilt that they are responsible for the separation

What to watch for

- sadness, grief, crying, sobbing, withdrawal
- fear of losing relationship with parent
- fear of losing order in their lives
- feelings of being deprived or left out
- anger and increased aggression
- difficulty playing and having fun

What you can do to help

- assure them with words that Mom and Dad will continue to take care of them
- assure them they will continue to see both parents (if this is the case)
- give the child permission to love the other parent
- don’t criticize the other parent to the child
- don’t put the child “in the middle” (see “Games some parents play,” page 20)

Problem	No Problem
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>

E. Older school-age children (9 to 12 years)

Issues

- may see things as black and white: one parent is right, the other is wrong
- may feel shame or embarrassment about parents’ separation
- may feel the separation threatens their own identity
- may feel need to overcome a sense of powerlessness
- may feel loyalty conflicts

What to watch for

- physical complaints (headache, fatigue, stomach ache)
- intense anger, especially at parent they see as to blame
- taking one parent’s side against the other
- difficulty with peers
- difficulty playing and having fun

What you can do to help

- listen to child’s feelings and complaints without taking sides or judging
- don’t criticize the other parent to the child
- encourage the child to see good in the other parent
- don’t fight in front of the child
- say positive things about the other parent occasionally
- don’t pressure the child to take sides
- support the child’s contact with the other parent (if this is possible)

Problem	No Problem
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>

F. Teens (13 to 18 years)

Issues

- upset that parents may be unable to provide needed support and limits
- already stormy relationship with parent may worsen
- premature or increased independence
- may be asked to assume more responsibilities at home that pull them away from peers

Problem	No Problem
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>

What to watch for

- school problems, such as difficulty concentrating, fatigue
- acting out emotional distress through sex, drugs, crime
- internalizing emotional distress: depression
- anxiety over close relationships
- grief over loss of family and childhood
- becoming distant and aloof from family

What you can you do to help

- provide opportunities for teens to share feelings, concerns, complaints
- discuss issues and situations honestly
- avoid relying on teens for emotional support
- don't pressure teens to choose sides
- occasionally say positive things about the other parent
- allow teens to have appropriate friendship and peer activities

At the end of this chapter, see Worksheet #2, "Focusing on my child." Use the worksheet to think about how your children are adjusting and how you can assist them if they are having problems.

What children need to hear

Telling the children may be the most painful part of the entire separation process.

Here are some statements you may find useful.

These are statements that parents might make together. If you are speaking to your children without the other parent, you can adapt them.

Some of these statements may not fit if you have concerns about your safety.

- We will continue to take care of you and provide for you and keep you safe.
- While our feelings for each other have changed, the special relationship we have with you as our child will go on forever. Feelings can change between adults, but never between parents and children.
- Your relationship with your sisters and brothers, grandparents and other relatives will continue. Sometimes, though, these relationships change.
- You did not cause the separation. Nobody thinks you did.
- The separation was not an easy decision to make. We put a lot of effort into making our relationship work, but we have decided that we can no longer live together.
- When we married/began living together, we loved each other and believed things would work out.
- We will honour your wishes, but we will decide where you will live. You don't have to make that decision.

*Tell your children
you love them, over
and over again.*

- We are not going to ask you to take sides.
- You may wish we'd get back together again. Kids often wish for that and it's a natural thing to want, but it's not going to happen. We have separated.
- We are very sorry for the hurt this decision is causing you.
- We will never stop loving you. Never.

What children do not need to hear

- The separation is the other parent's fault. Don't give children the message that you are the good one and the other parent is the bad one, even if you feel that way.
- Details of what went wrong. Children do not need to be informed about an affair, money problems, personality conflict or other problems in your relationship.
- The other parent is selfish/unkind/incompetent/foolish. (You may have negative feelings about the other parent, but expressing these feelings to the children puts them in an emotional conflict.)

Children hear criticism of the other parent as criticism of half of who they are.

How to tell the children

The separation itself is not as upsetting to children as the conflict and confusion that may surround it. Tell the children only when you have made clear plans about what will be happening to them.

- Tell your children together, if you can. It may help to tell your children at the same time, rather than separately, so they can provide support to one another.
- Pick a time and place where there will be no distractions or interruptions.
- Discuss your future living arrangements. Tell them they will be loved in two homes now, if that is going to be the arrangement.
- Address their particular needs such as friends, activities, toys and school.
- Allow your children to show grief and invite them to talk it out, draw it out, write it out or cry it out.

How parents can help children deal with the separation

1. Offer structure

Stick to a daily routine with your child. Make changes slowly and with much discussion and reassurance. Encourage your child to play with friends and have a normal life. Try to keep your child's environment as stable as possible. It is not a good idea to make too many changes at one time.

Example: Your child may be getting used to having only one parent at home every night. Moving into a new home or going to a new school may be too much for them at the same time.

Maintain rituals around birthdays, holidays and other important events. This helps to give a sense of security and helps your children plan and look forward to family events.

Help children feel free to ask questions. Tell them about changes well ahead of time. Children want to know what is going on in their lives. Encourage your children to be involved in school activities, sports, after-school programs or other activities.

Talk to your children honestly about changes or moves that will affect them, before they happen.

2. Encourage children to express their feelings

During this time, children may feel sad, scared and lonely. Helping them express their feelings allows children to know that it's okay to have feelings. "It makes sense to me that you would be feeling scared. There are a lot of changes taking place." Then tell them you will always be there to love them and take care of them. When you acknowledge your child's feelings, you are letting them know that you realize how they are feeling.

3. Allow time for children to grieve

Like you, children are grieving the loss of the family as they have known it. Many of their feelings of anger and confusion are like the feelings you are experiencing yourself.

In their grief, children may express feelings of anger towards you. Try not to take them personally. Your child is trying to make sense of the separation. When your child is upset, you could try to use "mirroring." Mirroring is simply stating back what your child has just said. For example, "I hate you Mommy. You made Daddy leave." You can mirror this back: "Right now you feel like you hate me because you think I made Daddy leave." Mirroring can help a child to feel heard.

4. Tell them you love them and it's not their fault

Your children need reassurance now more than ever. Children need to hear, over and over, that you love them no matter what happens. Explain to them that, while the love adults have for one another can change, the love a parent has for a child can never change. Parent/child love is different from parent/parent love because a parent loves a child forever.

Tell your child that the separation was not their fault. Say that it is okay to feel sad about the changes.

Avoid making your children take sides. Some children may feel guilty for having a good time with the other parent.

Let them know it's okay to love both of you. They do not have to choose.

5. Set limits on their behaviour

Children need limits. They need a stable, predictable home life, with clear rules and a parent they can depend on to be consistent about the limits. Sometimes they test these limits.

Give your children duties and responsibilities. Children who have chores appropriate to their ages and abilities are better able to adjust to change. Sometimes, parents do not want to have their children do chores because the children feel bad enough already about the separation. However, in maintaining limits you are helping them feel secure.



6. Protect children from witnessing arguments and violence between you and the other parent

It is essential that you protect your children from witnessing arguments or violence between you and your former partner. If you are experiencing strong feelings about the separation, you may wish to find a support group or a counsellor who can help you work through your feelings away from your children.

When to get professional help for your children

It is time to seek professional help when:

- A child's distress and problems are constant and chronic.
- A child's symptoms get worse rather than better over time.
- You feel unable to cope with your child.

To get professional help, start by contacting some of the groups listed in the Resources section, page 45.

Checklist: Best help for children of any age

We suggest you use a coloured pen to check the things you are already doing. This will show you the many ways in which you are helping your children adjust. Use a different coloured pen to underline the things you want to work on some more.

- I reassure my children that this separation is not their fault.
- I do not talk negatively, or with anger, about my former partner to my children.
- If I cannot talk positively, I limit what I say.
- I try to avoid arguing in front of my kids.
- I try to agree with the other parent about how to discipline the children, at least in the presence of the children.
- I am making special efforts to spend time alone with each child.
- I tell my children that it is okay to love the other parent.
- I do not compare my child to my former partner, even when the similarities are striking and painful to observe.
- I do not blame my children's anxieties, fears and problems at this difficult time on the other parent – either to the child or the other parent.
- I am trying to help my children not to feel shame about the separation or divorce.
- I understand that separation or divorce does not make me a failure.
- I have let my children's teachers know about the separation so they can help the children.
- I am not making too many changes in my children's life at once.
- I am dividing up the family chores so that they get done despite the absence of the other parent. I do not ask my children who they want to live with or love more – I do not ask either question directly or indirectly.
- I am encouraging my children to resume their normal activities.
- I understand my children's hope that we will get back together without offering false hopes or angry denials. I am trying to maintain as much emotional control as I can so my children will not feel they have to take on adult roles that are beyond them.
- I am not turning my child into my adult confidante.

You may wish to photocopy the "Tips for children" on the following page and share them with your children.



Tips for children: Surviving your parents' separation

When parents separate, children can have a difficult time. Here are some tips from children who have been through it.

1. ***It is not your fault.*** Don't feel guilty when your parents argue. It's not up to you to get them to stop.
2. ***Don't try to solve your parents' problems.*** Don't take sides. If one parent asks your opinion or advice about the other parent, say, "I think I'd better stay out of this."
3. If you can, ***leave the room when your parents argue.*** Do something that helps take your mind off it. Call up a friend, listen to music, watch a movie or get out of the house.
4. ***These experiences are really hard on everyone.*** You're not crazy to feel the way you do.
5. ***Don't keep your feelings inside.*** Find someone you can trust and talk to them: your school teacher, counsellor, family doctor or a family member you trust.
6. ***Ask your parents for what you need.***



Examples:

- Please spend some time alone with me, even five minutes of my very own time, not related to school, cleaning my room or anything else.
- Don't get angry when I say I want to live with my other parent. Usually when I say it, I am angry, hurt and scared and I really miss my other parent.
- Let me tell you what I want about my visits with the other parent. Sometimes I'm afraid I'll hurt your feelings if I say I had a good time.
- Please don't call me the "man" or the "mother" of the house. I need to be a child.
- Please trust me if sometimes I don't want to talk. You may be ready to talk when I'm not.

Remember: Life at home won't always be like this. Things will get better. For more information, you can also check out the Families Change website at: www.familieschange.ca

You may wish to use this worksheet after you have completed the checklists (Problem/No Problem) in the section “How children often respond,” on page 8. If you have identified problems, you can get help from the Resources on page 45.

1. How well is my child handling the issues that are listed for their age group?

2. If my child could change one thing about the situation (apart from getting me back with my former partner), what would it be?

3. I have identified the following possible problem areas:

a.

b.

c.

I plan to help my child with these problems by:

If I need more help to deal with these problems, I will ask for help from:

a.

b.

c.

Contract with myself

I will review this worksheet in ____ (weeks'/months' time) and make a note of what I have done to deal with problems I have identified.



You and the Other Parent

This chapter is about moving away from an intimate relationship with the other parent to a more “businesslike” relationship, which is focused on the children.

You may have times when you wish your former partner would simply disappear from your life or that you could erase your last years together. But when you have children, separation ends only the relationship with your former partner—it does not end the parenting.

Children benefit from a respectful and co-operative relationship between both parents. However, as the relationship breaks down, parents may find their former feelings of love and trust have changed into anger and resentment. Parents who are separating often struggle with how to act around each other. Some try to avoid dealing with their anger by not speaking and others explode with angry arguments when they do speak.

If safety is not a problem, practising good communication skills can help. The first step is to begin by rethinking your role. You need to separate your former role as partner from your ongoing role as parent. This takes effort, but you can do it.

At one time, you and the other parent had an intimate relationship.

An intimate relationship includes:

- many unwritten and unspoken expectations;
- informal meetings;
- a lot of emotional and personal involvement;
- open disclosure and sharing of information.

A businesslike relationship includes:

- no expectations unless agreed upon or written down;
- formal courtesies, structured interactions and meetings with specific agendas;
- little personal involvement;
- limited disclosure of information unless relevant.

After the separation, you need to be able to communicate about the children without being stuck in the same old arguments. It may feel strange at first to only talk about issues affecting the children but, in time, it will feel more natural.

Games some parents play

Sometimes parents play games that put children in the middle of their disputes. Most parents do not mean to do this, but the children can be hurt by these games.

Games are often a result of unresolved feelings of anger and hurt about ending the relationship. It is important to deal with your emotions and to make the changes to a new, businesslike way of communicating with the other parent.

Here are some common games that parents play:

1. The nasty game

Threatening to get what you want. "If you don't pay child support on time, I won't let you see the kids."

When parents behave in this manner, they are focusing on their relationship with their former partner. The focus needs to be on the children's needs, not the feelings of the parents.

2. The messenger

Telling the children to take messages to the other parent about issues that should be discussed between parents. "Tell your father to get the support payments to me on time!"

Being a messenger is a painful burden for children. Parents need to communicate directly with each other.

3. The set-up

Trying to interfere with the time the other parent spends with the child.

Example: Dad telephones son and tells him he has tickets to a game, but it's not happening on the weekend of their visit. Dad tells son to ask his mother. Mom, in turn, says no. The child is then angry with Mom for not allowing the treat.

4. I spy

Attempting to obtain information about the other parent. "Who is your father seeing?" "Who does your mother have over to the house?"

Children do not like being used or being asked to break the trust of a parent. They do not want to see the anger of a parent upset with the information they are asked to give.

5. Don't worry/I wish

Dreaming about what things would be like if the family were back together. A child may tell a parent how nice it would be to all be back together. The parent agrees that would be good. Doing this may give the child false hopes of getting back together.

6. Disneyland parent

Buying expensive gifts or taking the children on extravagant outings. This can make the other parent feel inadequate because they cannot afford such purchases. Often, the parent who buys the gifts cannot afford it either, but feels it is the only way to connect with the children.

Children may come to expect special gifts, treats and privileges on an ongoing basis. They may not develop a realistic relationship with the parent or a realistic view of family life.

7. Party pooper

Criticizing the child's visit with the other parent. For example, the child has just returned from an outing to the zoo. The parent who didn't go criticizes everything they did. The child ends up feeling bad about the day.

8. Put downs

Criticizing or putting down the other parent in front of the children. Parents may do this to relieve pent-up anger or because they feel they can only win the child's affection by alienating the child from the other parent.

Because children experience themselves as made up of both their parents, they feel a hostile remark as an attack on part of themselves. A putdown directed at the other parent affects the child as well, causing pain and lowered self-esteem.

Dealing with the other parent, where safety issues are not involved

1. Accept the idea that, while the relationship is ending, you will be parents forever. The family is not ending—it is being reorganized.
2. While you no longer share together as partners do, you do share love and mutual concern for your children. This is the new basis of your relationship.
3. Separate the children's needs and concerns from your own. Your child does not experience your former partner in the way you do.
4. Create new boundaries in the relationship with your former partner. Do not use old patterns. Create new ones.
5. Behave toward your former partner as your business partner in raising the children, not your mate.
6. Focus on the strengths in your relationship—what you have done well together as parents—and build on those strengths.

See Worksheet #3 on page 23, "Practising positive communication skills." This worksheet can help you consider how to complete the above tasks successfully.

Tips on how to be businesslike when communicating with the other parent

Check off the tips you most want to work on.

- Keep all talk with your child's other parent brief, focused on child-related issues and businesslike. If you cannot talk to each other, communicate in writing, by e-mail, or use text messaging.
- Be clear and specific about the problem.
- Never communicate with the other parent through your child.
- Do not let relationship issues enter into the discussion. If your former partner cannot keep old relationship disagreements out of the conversation, suggest resuming the discussion later.
- Do not fuel the other parent's anger.
- Remain calm and don't react.
- Have possible solutions ready.
- Be courteous and respectful of the other parent even if you feel they may not deserve it.
- Focus on the best interests of your children and their needs when you are discussing child-rearing problems and strategies with the other parent.
- Avoid blaming yourself or your former partner for what happened in the past. Stay in the present.
- Look for opportunities to express appreciation to the other parent.
- Act like a guest when in the other parent's home. (It is very confusing to the children if you don't.)

Negotiating informally with the other parent

Sometimes, you can resolve differences with the other parent by negotiating informally. You may be able to reach a practical agreement that is in the best interests of the children and that you can both accept.

If you feel threatened by the other parent, do not negotiate on your own. Talk to someone you trust about options for negotiating safely. Consult a family justice counsellor, a counsellor or a lawyer.

Guidelines for informal negotiation

1. Before you get together, gather all your information and facts. Be clear about what child-related issues you want to discuss.
2. Choose a neutral place and a time when you can talk without interruptions.
3. Decide together on rules for how you will talk together respectfully. For example, you may both agree that you will not discuss who is to blame for the separation and will not interrupt each other or raise your voices.
4. Speak clearly about what it is you want to negotiate. Stay focused on the topic. Try not to bring up past faults and problems.
5. Ask the other person for their point of view. Listen carefully to what the other person has to say. If you don't understand, ask for more information.
6. Look at solutions together and present your solutions as suggestions, rather than demands.
7. Make sure both of you agree on the solution you have arrived at. Specify who will do what, when and where. For example, if the agreement is about when the other parent will spend time with the children, you may need to have a written plan about how and where the transfer of the children will take place and what time the children will go and return.
8. Determine if you need to meet again to review how the agreement is working.
9. At the end of the meeting, give positive comments such as, "I feel better about this" and "I'm glad we were able to work it out together."

Pitfalls to watch for in informal negotiations

Blaming:

It's all your fault.

Discounting:

That's ridiculous. It makes no sense.

Awfulizing:

I'll live in poverty forever.

Judging:

That is selfish of you.

Psychologizing:

You don't really want the kids. You just want to get even with me.

Ultimatums:

Either you do or I won't.

Shaming:

You were the one who had the affair and broke up the family.

Lecturing:

It's going to be done this way because...

Threatening:

We'll just let the judge decide.

Being a victim:

I have always done everything and now I have nothing.

Cutting off:

Tell your lawyer to call my lawyer.

Shoulds:

You should want to do more.

Labelling:

You're such a jerk.

Staying negative:

Parent A:

You are overprotective with the children.

Parent B:

At least I don't scare them half to death.

Practise your positive communication skills. In difficult situations, you can use these skills to handle conflict responsibly.

1. Here are two sample conflict situations. Compare the positive and negative responses.

Situation #1

When your former partner has the children, they eat all sorts of sweet treats and stay up far too late.

Negative response:

Tell the children that your former partner is a lousy parent.

Positive response:

Deal directly with the other parent about their behaviour. In a calm voice, tell them that the children need to eat balanced meals and go to bed at their regular times. Discuss possible solutions to the problem, such as planning meals and shopping ahead.

Situation #2

You discover your former partner has been asking your 12-year-old son for information about someone you have been dating.

Negative response:

Tell your son to get some "dirt" on the other parent's social life.

Positive response:

Tell your son that next time he can ask his other parent not to put him in this situation. Listen to how your son may be feeling. Speak with your former partner directly about the problem.

2. Try providing positive responses to this conflict situation.

Maria, Joe and daughter Lee

Maria and Joe separated 18 months ago. They have a daughter, Lee. According to their parenting arrangements, Lee spends time with Joe every weekend. Yesterday, Joe returned Lee to Maria's house four hours late. Joe claims they were late because they got stuck in traffic on the freeway. But Lee has told Maria that they were late because Joe's new girlfriend came over and made dinner.

Now Maria is on the phone at the kitchen table. Maria is crying and yelling over the phone at Joe, calling him a liar. Lee is sitting at the table, listening to her mother. If you were Maria, how would you respond to Joe's behaviour and Lee's feelings?

3. Think of some examples of conflict situations between you and your former partner.

List some positive responses to the problem:

Conflict Situations

Positive Responses

Resolving Legal Issues

When you separate, you have some all-important decisions to make:

- What will the child's living arrangements be?
- When will the child spend time with each parent?
- What responsibilities will each parent have for the child?
- What arrangements do we make about child support?

In the best interests of the child

Decisions about the children must always be made on the basis of one very important legal principle: What is in the best interests of the child? In most cases, it is in the best interests of the child to have a close, stable and ongoing relationship with both parents whenever possible. Sometimes, this is not possible. It may not be in the best interests of the child, especially in cases where there is violence or abuse against a parent and/or children. Children often feel that the breakup is their fault. When only one of the parents is involved in the child's life after separation, the child's self-image may suffer. Children tend to believe that the other parent isn't involved because they are no longer interested in them. Children often conclude this must mean they are not good, important or worthy of attention and love. When it is possible for both parents to maintain a close relationship with their child, the child benefits greatly. For example, having both parents involved:

- Improves the child's emotional well-being and recovery from the separation.
- Aids in the child's healthy emotional development.
- Helps a child from feeling divided loyalties.
- Lessens any guilt they may feel (why doesn't the other parent want to see me?).
- Helps maintain parental authority for the child.
- Promotes parental willingness to provide financial support for the child.
- Gives the child an opportunity to develop an extended family identity.
- Demonstrates that parents can put aside personal differences enough to unite around parenting.



Parenting arrangements

When the law talks about the financial support of children, it refers to child support and the Child Support Guidelines. When the law talks about who will take care of a child after separation, and how that care will be organized, it uses the terms guardianship and parenting arrangements. Parenting arrangements include parental responsibilities and parenting time. These are the terms used in the Family Law Act ¹. You may have heard the terms “custody” and “access”—the Family Law Act does not use these terms. Because “custody” and “access” are still used in the Divorce Act, you may hear these terms if you have an application made under the Divorce Act in the Supreme Court.



Guardianship

When parents live together, each parent is a guardian of the child. When parents separate, their responsibility towards the child does not change just because they are separated. A parent who is a guardian before separation remains a guardian after the separation unless the parents make an agreement or the court orders otherwise.

According to the Family Law Act, if a parent has never lived with a child, they will only become the child’s guardian in one of two circumstances: if there is a court order or a written agreement with the other guardians stating that the parent is a guardian; or if the parent has regularly cared for the child ².

A person other than the child’s parent, like a grandparent or another relative, may also become the child’s guardian. However, this may only be accomplished through a court order.

Parenting arrangements

Parenting arrangements include the allocation of parental responsibilities and parenting time among a child’s guardians. The arrangements must be in the child’s best interests. What that means will be unique for each family—sharing parental responsibilities or parenting time equally may be best for a child in one family but not in another.

Parental responsibilities

The Family Law Act describes a list of things that guardians are responsible for with respect to their children. These include:

- Making decisions about the day-to-day care of the child
- Deciding where the child will live
- Deciding who the child will live and spend time with
- Making decisions about the child’s education and participation in after-school activities
- Making decisions about the child’s culture, language, religion and spiritual upbringing, including aboriginal identity
- Giving or refusing consent, including consent for medical, dental or other health-related treatments

¹ The Family Law Act came into force on March 18, 2013.

² The term “regularly cared for” is in section 39 of the Family Law Act, which came into force on March 18, 2013, and will be further defined by the courts.

- Applying for passports, licenses, benefits or other things for the child
- Receiving or replying to notices about the child
- Requesting information about the child, including information related to their health or education
- Acting on the child's behalf with respect to any proceedings and protecting their legal and financial interests.

Only guardians have these responsibilities. Guardians can decide which parental responsibilities they will each take on. It is also possible for guardians to agree to share parental responsibilities. Unless there is a court order or an agreement in place that allocates the responsibilities between the guardians, the law says all guardians have all the parental responsibilities.

Parenting time

Parenting time is the time that a child spends with their guardian, as set out in the agreement between the guardians or a court order. During this time, the guardian makes day-to-day decisions and is responsible for the child's day-to-day care and supervision, subject to any limits described in an agreement or order. Parenting time arrangements vary, depending on what works best for each unique family. For example, children may live with each parent on alternating weeks, or they may spend some other period of time with each parent.

What if a parent is not a guardian? If a parent is not the guardian of their child, the time they spend with the child is called "contact", which is described in more detail below.

Contact

A child may spend time or have some other form of communication (e.g., telephone, internet, email or mail) with a person who is not their guardian. This is called contact. A child may have contact with a parent who is not their guardian, a grandparent or other relative, or another person. The terms of the contact and the form of communication may be described in an agreement or court order.

Sometimes, agreements or orders set out parenting time or contact in very specific detail. They state exactly when the child will spend time with the other person and include details about how the child will be picked up and dropped off, and what communication may take place in between visits. In other cases, the agreement or order is less specific and it is up to the parties (and the children, when they are older) to make these arrangements. If the agreement or order is too vague, it may lead to conflict. Consider how specific your arrangements should be before you finalize your decisions.

Compliance with parenting time or contact

It is important to respect and follow agreements or orders for parenting time or contact. Denying another parent time with the child is wrongful, unless specific circumstances apply (e.g., the child would be at risk of family violence, the parent is impaired by drugs or alcohol during their time with the child, the child is ill and has a doctor's note, the parent cancelled their time or has repeatedly not exercised their time during the past year without reasonable excuse). If you wrongfully prevent the other parent from spending time with the child, there are remedies the court



may order. For example, the court may order compensatory time or require you to attend dispute resolution or counselling, reimburse the other parent for expenses they incurred, or pay a fine.

There are also consequences for repeatedly failing to spend the time with your child that has been ordered or agreed to. Not only is this damaging to the children, but it also creates stress and challenges for the other parent who has to deal with unexpected child care or cancel their plans. The court may order you to attend dispute resolution or counselling, or reimburse the other parent for expenses including lost wages, child care or travel expenses.

Sometimes, one parent will threaten to prevent the other parent from spending time with their children if child support is not paid. "If you don't get those child support payments in on time, I won't let you see the kids!" When a parent doesn't see their child, the child may feel the parent has lost interest because the child is bad or unimportant. The child may feel guilty and their self-esteem may be damaged.

Legally, there is no link between the child's right to see both parents and the paying parent's obligation to make regular child support payments.

Relocation

What if you want to move after you've separated? Perhaps you have a new job opportunity or wish to move closer to family members. If you want to move yourself or your child, you must give 60 days written notice of the proposed date and place of the new location to all guardians and persons who have contact with your child. You must cooperate with these people to resolve any issues and create workable arrangements to preserve the relationships your child has with them.

If the other parent objects to the child being moved, they may apply to the court to prevent the relocation. The court will consider whether the move is in the child's best interests.

Child support

Parents have a legal duty to provide for and support their child. When parents separate, each parent still has the legal duty to financially support the child. This is called child support. Usually, if the child spends the majority of their time with one parent, the other pays child support. Child support pays for some of the child's costs. The parent with whom the child lives most of the time is expected to pay the rest.

Child support is the right of the child, not the parent with whom the child lives. Children in B.C. are entitled to support if they are:

- under 19; or
- over 19, but still require support because of illness, disability or other cause (going to school, for example). In some provinces, the age of majority is 18.



Child Support Guidelines

When you are deciding on how much financial support is needed for the child, you must follow the Child Support Guidelines. The guidelines help set a fair amount of support for the children. The guidelines consider income, the number of children, the province in which the paying parent lives and the parenting arrangements.

The Child Support Guidelines are designed to:

- ensure that children continue to benefit from the financial means of both parents after separation;
- reduce conflict and tension between parents by having rules to determine the amount of child support;
- make it easier for parents to calculate an amount for child support; and
- ensure that children are treated consistently.

How do you determine the amount of child support?

You can find the basic guideline amount in the Child Support Tables. To look up the table amount, you need to know how much money the paying parent earns and how many children there are. Each province and territory has its own set of tables for calculating support.

The guidelines take into account the parenting time arrangements. For example, if the paying parent has the child in their care at least 40 per cent of the time, the table amounts do not automatically apply. There are also special arrangements when, for example, one child lives with the mother and another child lives with the father.

When can table amounts be changed?

If the child has special or extraordinary expenses, the court may order that a higher amount of child support be paid. Special or extraordinary expenses can include child care, health-related and educational expenses.

If the amount of financial support causes undue hardship to either of the parents or to the child, then either parent can ask the judge to change it.

Income tax rules

The income tax law changed May 1, 1997. As a general rule, if your child support order or agreement was made since May 1, 1997, these rules apply:

- Parents who pay child support do not deduct the child support from their income.
- Parents who receive child support do not declare it as income. There are different rules for child support orders made before May 1, 1997. You can get more information from the resources listed at the end of this handbook and from the Canada Revenue Agency at 1 800 959-8281.

If you are on income assistance

If you are applying for B.C. Employment and Assistance or if you are already receiving income or disability assistance, the Family Maintenance Program will assist you in obtaining the child support order you are entitled to under the Child Support Guidelines. You may still wish to see a family justice counsellor to work out an agreement regarding guardianship, parenting arrangements and contact.

Where can I find out more about the Child Support Guidelines?

You can get detailed information about the Child Support Guidelines on the internet at: www.justice.gc.ca. You can view and print a copy of The Federal Child Support Guidelines: Step-by-Step.

Where can I get a copy of the Child Support Tables?

You can download the tables for British Columbia at: www.justice.gc.ca.

Developing a parenting plan

Parents who have separated or divorced often develop what is called a parenting plan. A parenting plan is a document that describes your parenting arrangements and explains the decisions you have made about caring for the children. For example, a parenting plan may describe:

- how you will make decisions about the children;
- how you will share information with the other parent;
- how each parent will spend time with the children; and
- how you will deal with other parenting issues. You may wish to develop a parenting plan using Worksheet #4 on page 41. The sample parenting plan on page 31 shows some typical parenting arrangements.

Issues to consider when you are making arrangements about the children

Before you make your parenting plan, think about what will be best for the children in the following areas:

Day-to-day care and decisions

- How day to day decisions affecting the child will be made
- How the responsibility for the care, control and supervision of the child will be shared by parents

Week-to-week time arrangements

- Overall schedule and plan for the children's transition between the parents' homes

Time arrangements for holidays and special days

- School vacations
- Parents' vacations with and without children

Health care decisions

- Giving consent for child's medical treatment
- Emergency medical treatment
- Informing other parent
- Check ups (medical and dental)
- Child's illness interrupting child care plan
- Access of parents to medical records

Education decisions

- Consultation between parents about any change in school, special educational needs, tutoring or extracurricular activities
- Access to school records
- Attendance at parent-teacher conferences and school events

Religious and spiritual up-bringing

- Religious education and attendance at services

Grandparents and extended family

- Visits with the children and involvement with the children

Communication between parents

- What type of information should be communicated about the children and how it should be communicated
- Communication when the child is with the other parent

Cultural decisions

- Decisions about the child's cultural and linguistic heritage, including aboriginal identity

Changes in child care schedule

- What happens if a parent cannot care for a child when scheduled

Resolving disagreements about/ changes to the parenting plan

- How to deal with disagreements
- How to change arrangements as children's and parents' circumstances change
- What happens if one parent wants to relocate geographically

Sample parenting plan

This is the parenting plan between

and

("We").

We agree the following schedule will be our guide and that we will be flexible with each other if minor changes are necessary.

Week-to-week time arrangements

- a. We agree to spend blocks of time with our children. Each block of time will be _____ in length and will begin at 6:00 p.m. _____ (*day of week*) and will continue until 6:00 p.m. _____ (*day of week*) on the return date. Our children will go to the other parent's home together.

Birthday arrangements

- b. For the children's birthdays, we agree that whoever has the children during that "block" will have the child's birthday party. The parent who does not have the child during that block is free to plan a party the day before or the day after the block of time. We agree to work together to make our children's birthdays special for them.

Vacation arrangements

- c. We will discuss with each other how to spend our respective vacation times with the children. We agree to give the other parent at least two months advance notice of a planned vacation.
- d. We agree to advise the other parent of the vacation details, such as places and telephone numbers where the children may be reached.

Medical arrangements

- e. We agree to notify the other parent of illnesses the children may have when they are at our individual homes.
- f. We agree that the parent who has the child at the time they suffer a medical condition has the authority to make any decision regarding emergency medical care. We agree to notify the other parent of the emergency as soon as possible.



How to decide on a parenting plan

When you are deciding what parenting arrangements are in the child's best interests you have three options:

1. ***You and your former partner can reach an agreement.***
2. ***You and your former partner can get help to come to an agreement by using mediation or shuttle mediation (separate meetings).***
3. ***You can get a lawyer to represent you in court.***

Option 3—going to court—is a last resort. While court solutions can work, you don't make the final decision yourself. The judge makes the decision. A judge cannot know all your family's needs. Nor can a judge tailor individual solutions the way you can. However, there may be situations in which you have no choice but to go to court (for example, the other parent may insist on using the court process).



Power imbalance issues

If there is abuse or a significant power imbalance in the relationship, you may need special assistance when you are deciding what parenting arrangements are in the child's best interests. Talk to a lawyer or a family justice counsellor.

Advantages of reaching an agreement

Here are some of the advantages of reaching an agreement, compared with going to court:

<i>Reaching an agreement</i>	<i>vs.</i>	<i>Going to court</i>
<ul style="list-style-type: none"> • Co-operative • Narrows personal differences • Win/win emphasis • You decide • Usually takes less time • Not very expensive 		<ul style="list-style-type: none"> • Competitive • Widens personal differences • Win/lose emphasis • Judge decides • Usually takes more time • May be expensive

Option 1: You and your former partner can agree

If you and your former partner can talk openly and agree about plans for the child, and there are no safety issues involved, you can develop a parenting plan together. You can use the negotiating tips in chapter 4 and the parenting plan worksheet on page 41.

Legally, it's not necessary to have a separation agreement or a court order. But, it's a good idea to write down what the two of you agree to, in case there are problems later. You can make a written agreement and file it with the court.

What is a written agreement?

A written agreement is a contract between you and your former partner that states what you have both agreed to. A written agreement can include all your decisions—about guardianship, parenting arrangements, contact and child support. It can also include your decisions about how you are going to divide the things you own and whether one parent is going to contribute to the financial support of the other.

You and your former partner can put whatever you want in an agreement. For example, the agreement can say how the parental responsibilities are allocated and what the parenting time arrangements are. The child support must follow the Child Support Guidelines (see page 29). All the decisions must be in the child's best interests.

Make sure both you and your former partner sign the agreement. It's also a good idea to see a lawyer before you sign an agreement, to make sure that you have protected your rights. You should see a different lawyer from the one your former partner sees.

It's a good idea to file the agreement with the court. If there are problems later, you can show a judge what you and your former partner agreed to. Judges take these agreements very seriously.

You can also make your agreement into a consent order, which is a formal order that a judge makes in court to affirm the agreement.

Interim agreements

When you first separate, you may want to draw up an agreement "for the time being." This kind of an agreement is called an "interim agreement." Usually interim agreements are time limited. When your circumstances change, you can change the agreement.

Option 2: You can get help to reach an agreement

Who can help

A. Family justice counsellors

Family justice counsellors are trained to deal with family problems such as guardianship, parenting arrangements, contact, child support and spousal support. In many communities, family justice counsellors are available at Family Justice Centres or Justice Access Centres. Family Justice Centres and Justice Access Centres offer a range of services related to separation. The services of a family justice counsellor are free of charge.

A family justice counsellor can:

- provide counselling to help you deal with your emotions;
- help you understand the process of applying for a court order;
- provide mediation or shuttle mediation (separate meetings);
- help you prepare a consent order or separation agreement;
- give you information and refer you to other services that may help.

Note: *Family justice counsellors do not assist families with agreements or court applications for property division.*

A family justice counsellor can help you identify what issues you need to cover in a written agreement. They can help you draft an agreement or review an agreement you have drafted to ensure you have covered everything. The agreement may then be filed at court.

If you wish to make your agreement into a consent order, a family justice counsellor can assist you with that as well. Consent orders are also filed with the court. Written agreements and consent orders are a record of the understanding you and your former partner have reached about family issues. With a written agreement or a consent order in place, you will not have to go to court to ask a judge to make a decision for you about your issues.

You can contact a Family Justice Centre or Justice Access Centre near you by calling Enquiry BC:

Greater Vancouver:	Greater Victoria:	Elsewhere in B.C., call toll free:
604 660-2421	250 387-6121	1 800 663-7867

You can also call the Family Justice Centre or Justice Access Centre directly. Look in the blue pages of your telephone book under "Provincial Government."

For Family Justice Centre and Justice Access Centre contact information, visit Clicklaw: www.clicklaw.bc.ca/helpmap/service/1019

For further Family Justice Centre information, visit: www.gov.bc.ca/familyjustice

For further Justice Access Centre information, visit their website: www.justiceaccesscentre.bc.ca

B. Private family mediators

Family mediators in private practice are usually lawyers or counsellors who have specialized in mediation and can help you work out an agreement. There will be a fee. Mediate BC has a list of qualified family mediators that you can access on their website at: www.mediatebc.com

C. Lawyers

Lawyers who practise family law can:

- give you legal advice about all the issues;
- help you negotiate a settlement;
- help you understand the process of applying for a court order;
- help you prepare a consent order or separation agreement;
- give you information and refer you to other services that may help; and
- represent you in court, if need be.

You have to pay for the services of a lawyer. In very limited circumstances, you may be able to get a lawyer who is paid for by legal aid.

D. Parenting coordinators

Sometimes, parents continue to argue about the details of their parenting arrangements even after an agreement or court order is in place. Parenting coordinators can help high-conflict families to implement their agreements or orders by mediating the parents' disputes. If the parents cannot agree, the parenting coordinator will make a decision for them, called a determination. A parenting coordinator's determination is made in the best interests of the child and is binding on the parents in the same way a court order is binding.

Parenting coordinators may be lawyers, counsellors, psychologists, social workers or mediators with training in parenting coordination. You have to pay for the services of a parenting coordinator. You can find more information about parenting coordination at www.bcparentingcoordinators.com

Collaborative law

Collaborative law is a model for resolving family law disputes where everyone agrees to work together (to collaborate) to find a solution that works for both parties without going to court. The process offers legal and other professional support, like counsellors and financial advisors. Everyone (you, your former partner, the lawyers and other professionals involved in the case) makes a formal commitment to work towards a mutually acceptable settlement without using the court to decide any of the issues. In other words, you agree that as long as you are involved in the collaborative process neither you nor your former partner will bring a court application. If you do end up going to court, all of the professionals (including the lawyers) will withdraw from the case and you will have to hire a different lawyer to handle that court application.

Using a family mediator

A family mediator is an impartial person who can help you and your former partner develop a plan to deal with the legal issues around separating. A family mediator sits down with you and your former partner and helps you discuss the issues. They work with you to try to solve your problems, but you and your former partner make all the decisions. Mediation sessions are confidential.

When discussing parenting arrangements, parent must make decisions in their child's best interests, which includes taking into consideration the child's views. If everyone agrees, a mediator may obtain your child's views in a separate interview with him or her. The mediator will then share your child's interests and thoughts with you and your former partner. Family justice counsellors and some private mediators can help your family in this way. Check with your mediator if you are interested in this service.

Family mediators:

- can help parents talk with each other about child-related issues;
- can help parents solve their own problems, rather than having a judge impose a decision in court;
- cost less than a court hearing and trial; and
- may help you reach a decision far more quickly than if you went to court.

When family mediation may not be appropriate

Using a family mediator will not work if:

- One person feels unsafe with the other person; or
- There is a history of abuse in the relationship that makes it unsafe to meet together.

Shuttle mediation as an option

Shuttle mediation is like mediation, only you do not have to be in the same room as your former partner. The mediator talks to you, then talks to your former partner separately. You negotiate through the mediator.

If you feel threatened by your former partner, this may be an option. A family justice counsellor can provide shuttle mediation.

Choosing a family mediator

When you are using a family mediator, it is important to find someone you feel comfortable with. The decisions you are making are vital and you need to feel you are being heard and that your input is being taken very seriously. You need to ask what special qualifications the family mediator has — Do they have experience and training as a family mediator? What is their experience in dealing with separation and divorce? Have they been certified? And certified as a family mediator?

If you don't feel comfortable, you can try another mediator.

You can use mediation even if you are going to court

You can use a family mediator and still be seeing a lawyer at the same time. People often use mediation while they are proceeding with their court case or seeing a lawyer. When something is discussed in mediation, you can obtain legal advice at the same time. If both of you can manage to agree in mediation, you can settle the matter by a consent order or written agreement and you usually do not have to go to court.

Option 3: You can get a lawyer to represent you in court

If you and your former partner cannot agree, you may need to go to court and ask a judge to make a court order to deal with decisions about guardianship, parenting arrangements, contact, child or spousal support, assets, debts and property issues.

It may be that you are willing to try mediation, but your former partner is not. If your former partner is violent, you may be using the court system to protect yourself and your children.

You may need to have a lawyer represent you if you need to go to court. If you don't know a lawyer, call the Lawyer Referral Service. They will give you the name of a lawyer who practises family law. You can call the lawyer for a half-hour appointment that costs \$25 plus tax. In the Lower Mainland, call: 604 687-3221. Outside the Lower Mainland, call toll free: 1 800 663-1919.

If you have little money and few assets, and you have serious legal problems, you may be able to get a legal aid lawyer. Look in the white pages of your phone book under "Legal Aid – Legal Services Society" or go to their website at: www.lss.bc.ca

Note: More and more people find the cost of retaining a lawyer prohibitive and are representing themselves in court.

If your former partner is violent

You can ask a judge for a court order to help protect you if your former partner has been, or you are afraid they will be, violent towards you, your children or another family member in your home. Protection orders are available even if there has never been any hitting or other physical abuse. The court recognizes that family violence also includes sexual abuse, psychological and emotional abuse (e.g., intimidation, harassment, threats, restricting access to money, stalking) and exposing a child to family violence. If the judge finds there is a risk of family violence, he or she will make a protection order, including any terms considered necessary to protect you or your at-risk family member. For example, the protection order may restrain your former partner from:

- possessing a weapon;
- communicating with you;
- following you;
- showing up at your home, workplace or your child's school.

You may apply for a protection order even if you have no other family law application. In an urgent situation, you may ask the court for a protection order without giving notice to the other person. Ask a family justice counsellor for information on how to get a court order or call VictimLink BC, toll free, at: 1 800 563-0808. If you believe you are in immediate danger, you should always phone the police or 911.

A protection order is not a criminal charge. However, if a person breaches a protection order, that is a criminal offense and will be dealt with through the criminal justice system. In addition to protection orders, there are also options available through the criminal justice system. A peace bond says your former partner has to behave well and "keep the peace" for up to 12 months. You can tell the police you want to apply for a peace bond or you can go to Provincial Court to ask for one.

A judge can make a no-contact order if your former partner has been arrested for being violent towards you. It can order your former partner to stay away from you and your children until the hearing or trial.

Which court do I go to?

You may need to go to Provincial Court or Supreme Court. Where you go may depend on where your former partner has started the court action.

- Provincial Court can decide about guardianship, parenting arrangements, contact and support for yourself and your children.
- Supreme Court can deal with all these issues. It can also deal with property and grant a divorce. Because the rules and procedures are complicated, you may wish to get legal advice from a lawyer. Supreme Court costs a lot more than Provincial Court.

Checklist: Choosing a lawyer

It is important to choose a lawyer you feel comfortable with. Here is a checklist for you to use. If you do not answer yes to all these statements about your lawyer, consider changing lawyers.

My lawyer:

- Is sensitive to safety issues and power imbalance issues.
- Sees their role as explaining the options but not making choices for me.
- Recognizes that legal issues are only one part of the separation process and is sensitive to the emotional and psychological tasks of separating.
- Knows that when it comes to children, there is no such thing as “winning.”
- Understands that bitterness and conflict can be more damaging to the children than the separation itself.
- Has told me that, at any time during the process, my former partner and I may reach an agreement (with or without the help of our lawyers). If we do, we may draft a written agreement and/or a consent order and bring the court process to an end.
- Is willing to try negotiations where I don't have to be face-to-face with my former partner.
- Believes that attempting to resolve family disputes in the courtroom is a last resort. Only if it is not possible to reach an agreement will we continue to the end of the court process and have the judge decide for us.

How the judge decides

The law says that the parties and the court must decide what guardianship, parenting arrangements or contact will be in the “best interests of the child.” The judge considers:

- The child’s health and emotional well being;
- The views of the child, unless it would be inappropriate to consider them;
- Relationships between the child and other significant people in the child’s life;
- The history of the child’s care;
- The child’s need for stability, given their age and stage of development;
- The ability of each person who has guardianship, parental responsibilities, parenting time or contact, to exercise their responsibilities;
- The impact of any family violence on the child’s safety, security or well-being;
- Whether a person responsible for family violence is unable to care for the child or meet the child’s needs;
- Whether the child’s guardians can cooperate on issues affecting the child; and
- Any civil or criminal proceeding relevant to the child’s safety, security or well-being.

Judges follow the Child Support Guidelines when they decide how much child support must be paid. The guidelines are designed to protect the best interests of the children.

See page 29 for more information about the Child Support Guidelines.

Provincial Court: Family case conference

If you are seeking an order for guardianship, parenting arrangements or contact in Provincial Court, the court may require that you attend a family case conference before you are given a court hearing.

Everyone who is asking the court for something, or is being asked for something, must attend and if they have lawyers they must attend as well. A judge may allow other people, including the children, to attend.

What happens in a family case conference

At the family case conference, a judge will lead a discussion around a table about what is best for the children. The judge may help you reach agreement or refer you to a mediator, a family justice counsellor or a parenting after separation course.

Many problems can be resolved at the family case conference and, therefore, do not have to go to hearing. A judge can make an order reflecting the agreement you reach at the family case conference.

If a judge decides that the issues can only be settled by a judge at a hearing, the judge will arrange a hearing date.

Changing court orders and agreements

What if your situation changes after you've settled the issues and you have a court order or agreement? For example:

- If the paying parent loses their job, you may need to ask the court to reduce the amount of child support.
- If the paying parent gets a job after being unemployed, you may want to ask the court to increase the child support.
- If there is strong evidence that the children are no longer safe while with the other parent, you may need to change an order or agreement for parenting arrangements or contact. If you have an agreement you and your former partner can agree to change it. You can file your new agreement with the court. If your former partner refuses to change the agreement, you will need to go to court.

If you need to change a court order, you have to go to court. You need to explain to the judge why you want to change the order. If you got the order in Supreme Court, you have to go back to Supreme Court to change it. If you got it in Provincial Court, you can go to either Provincial Court or Supreme Court.

If you feel that you or your children are at risk of violence from your former partner, you may need a protection order. Protection orders are discussed in more detail at page 37.

Enforcing court orders

Child support

What happens if you have a court order for child support, but your former partner never pays? In this case, you can enrol in the British Columbia Family Maintenance Enforcement Program (FMEP). FMEP monitors payments and takes action to collect outstanding debts. For information, call the Central Enrolment Unit at: 250 220-4040 in Victoria or toll free at: 1 800 663-3455 (from anywhere in B.C.). They will give you the phone number of the office near you.

Parenting arrangements: Parenting time and contact

What can you do if one parent is denying the other parent their scheduled parenting time or contact?

Or, if one parent does not return the child to the other parent?

You may be able to resolve these issues by contacting a family justice counsellor or a lawyer. If the family justice counsellor or lawyer is unable to assist you in reaching a solution, you have to go to court and get a court order. The "Compliance with parenting time or contact" section on page 27 outlines what a court can do in these situations.



This parenting plan worksheet can help you and the other parent spell out the details of how you are going to parent. The sample parenting plan on page 31 gives you an idea of what parents typically put in a parenting plan.

If you and the other parent develop a parenting plan, each of you should keep a copy.

1. Parenting goals

a.

b.

c.

2. Communication ground rules

a.

b.

c.

d.

e.

3. Time-sharing arrangements (list all options)

a. Monthly schedule

b. Vacation times

c. Holidays

d. Special days (birthdays, parents' birthdays)

e. Special occasions (weddings, funerals, graduations)

f. School sports, church and community events (parent-teacher conferences, school programs, sports events, church programs)

Time with others

a. Grandparents

b. Other family members

c. Family friends or other people

4. Transportation details

a. Transportation responsibilities, exchange times and places

b. Special instructions or restrictions

5. Telephone schedule

a. When children are with Mom

b. When children are with Dad

6. Long-distance parenting arrangements

(If one parent lives more than 100 miles away, for example)

a. Yearly time-sharing schedule

b. Transportation details (including allocation of transportation costs)

c. How information will be shared

7. Procedures for making decisions

a. How will major decisions be made and by whom (education; day care; medical and dental consents and treatments; therapy; language, heritage and culture; religion and spiritual upbringing)?

b. Who will give (non-medical) consents for the child?

c. Who will apply for a passport, license, permits and other benefits and privileges on behalf of the child?

d. How will disagreements be resolved?

8. Procedures for sharing information

a. School-related information (report cards, academic or disciplinary problems, parent-teacher conferences, school activities)

b. Extracurricular activities

c. Health-related information (illnesses, prescriptions, checkups, therapy sessions, other)

d. Community and special events

9. Agenda for a parenting meeting (on a monthly or weekly basis)

a.

b.

c.

d.

10. Child support

Amount (determined by the Child Support Guidelines)

11. Post-secondary education for children

a. Any minimum guarantees to children

b. Contributions by parents

c. Financial planning options

12. Health insurance

a. Carried by whom?

b. Procedure for making claims

Resources

Legal information and/or advice

Family Justice Counsellors

You can contact a Family Justice Centre or Justice Access Centre near you by calling Enquiry BC:

In Greater Vancouver:
604 660-2421

In Greater Victoria:
250 387-6121

Elsewhere in B.C. call toll free:
1 800 663-7867

You can also call the Family Justice Centre or Justice Access Centre directly. Look in the blue pages of your telephone book under “Provincial Government.”

For Family Justice Centre and Justice Access Centre contact information, visit Clicklaw: www.clicklaw.bc.ca/helpmap/service/1019

For further Family Justice Centre information, visit: www.gov.bc.ca/familyjustice

For further Justice Access Centre information, visit their website: www.justiceaccesscentre.bc.ca

Mediate BC

A list of qualified family mediators in private practice and their hourly rates can be found at the Mediate BC website: www.mediatebc.com

Child Support Guidelines

For information on child support and the provincial tables which determine the amount of support: www.justice.gc.ca. You can view and print a copy of The Federal Child Support Guidelines: Step-by-Step.

Justice Access Centre Self Help and Information Services

Provides assistance to unrepresented clients dealing with family or civil matters. Offers free legal information, but not advice.

Open 8:30 a.m. to 4:00 p.m. Monday to Friday at 290 - 800 Hornby St., Vancouver. If you live outside of the Vancouver area, you can visit their website at:

www.supremecourtselfhelp.bc.ca

Family Maintenance Enforcement Program (FMEP)

FMEP monitors payments and takes action to collect outstanding debts.

For more information, call the Central Enrolment Unit at: 250 220-4040 in Victoria or toll free at: 1 800 663-3455 (from anywhere in B.C.). They will give you the phone number of the office near you. Or, visit their website at:

www.fmep.gov.bc.ca

Legal Services Society

Legal aid is a service that provides legal help for people who can't afford to pay a lawyer and who have serious legal problems. Look in the phone book white pages under “Legal Aid—Legal Services Society” or in the Yellow Pages under “Lawyers—Legal Aid.” The society's website can be found at: www.lss.bc.ca

The Legal Services Society's Family LawLINE can be reached through their Call Centre at: 604 408-2172 in Vancouver. Outside the Lower Mainland, call toll free at: 1 866 577-2525. The Legal Service society also maintains a family law information website at: www.familylaw.lss.bc.ca

Other legal services

Lawyer Referral Service

Provides low-cost initial services.

You can see a lawyer for a half-hour appointment for \$25 plus tax. In the Lower Mainland, call: 604 687-3221. Outside the Lower Mainland, call: 1 800 663-1919. Visit their website at: www.cba.org/BC/Public_Media/main/lawyer_referral.aspx

Access Pro Bono

Free legal services and a complete list of pro-bono providers can be found at the Access Pro Bono website at:

www.accessprobono.ca

General help

Transition houses and women's shelters

Transition houses in B.C.:

www.bchousing.org/Find/Fleeing_Abuse

Call 911 if you need help right away. VictimLink BC: 1 800 563-0808.

Help for children

Families Change Website

Offers information to parents and children who are experiencing separation and divorce. Visit website at: www.familieschange.ca

Kids Help Phone

Space for kids to get counselling, express themselves and get informed on issues that kids face. Visit website at: www.kidshelpphone.ca or call: 1 800 668-6868.

Referrals

If your child is experiencing prolonged reactions to your separation that affect their daily functioning, you may wish to speak to a family doctor about a referral to someone who specializes in working with children.

Recommended Reading

For children

- Brown, Laurene Krasny, and Marc Brown. *Dinosaurs Divorce: A Guide for Changing Families*. Atlantic Monthly Press, 1986.
- Canada. Department of Justice. *What Happens Next?: Information for Kids about Separation and Divorce*. 2007.
- Fassler, David, Michele Lash, and Sally B. Ives. *Changing Families: A Guide for Kids and Grown-Ups*. Waterfront Books, 1988.
- Ford, M. *My Parents are Divorced, Too: A Book for Kids by Kids*. Magination Press Division, 1997.
- Girard, L. *At Daddy's House on Saturdays*. Albert Whitman, 1991.
- Goldentyer, D. *Pre-teen Pressures: Divorce*. Steck-Vaughn Company, 1998.
- Hoffman, M., and C. Binch. *Grace and Family*. F. Lincoln, 1997.
- Lowry, Danielle. *What Can I Do? : A Book for Children of Divorce*. Magination Press, 2001.
- Schneider, Meg F., J. Offerman-Zuckerberg, and J. Zuckerberg (contributor). *Difficult Questions Kids Ask and Are Too Afraid to Ask – About Divorce*. Fireside, 1996.
- Stinson, Kathy and Nancy Lou Reynolds (illus.). *Mom and Dad Don't Live Together Anymore*. Firefly Books, 1988.
- Thomas, P. *My Family's Changing: A First Look at Family Breakup*. Barron's Educational Series, 1999.

For parents

- Ahrons, Constance R. *The Good Divorce: Keeping Your Family Together When Your Marriage Comes Apart*. Harper Perennial, 1995.
- Bienenfeld, Florence. *Helping Your Child Through Your Divorce*. Hunter House, 1995.
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- Gardner, Richard A. *The Parents Book About Divorce* (rev. ed.). Bantam Books, 1991.
- Gold, Lois, and Joan B. Kelly. *Between Love and Hate: A Guide to Civilized Divorce*. Plenum Press, 1992.
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- Long, N., and R. Forehand. *Making Divorce Easier on Your Child: 50 Effective Ways to Help Children Adjust*. McGraw-Hill, 2002.
- McDonough, H., and C. Bartha. *Putting Children First: A Guide for Parents Breaking Up*. University of Toronto Press, 1999.
- McKay, Matthew, Peter Rogers, and Joan Blades. *The Divorce Book: A Practical and Compassionate Guide* (2nd ed.). New Harbinger Publications, 1999.
- Teyber, Edward. *Helping Children Cope with Divorce* (rev. ed.). Jossey-Bass, 2001.

Over 40 per cent of relationships end in separation. Here are some ways in which parents cope. Think about the self-assessment you completed in Worksheet #1 at the end of chapter 2. Then check off the options in this worksheet that you wish to work on.

Parenting

- Establish a flexible routine with your child and stick to it.
- Enrol your child in an activity they enjoy.
- Get a sitter for a regular night out.
- Schedule a special, reserved time each week that you and your child can look forward to sharing.

Enjoyment and social

- Join a social club.
- Pursue single parent activities within your community, church or job.
- Read a good book, take up chess, learn to play an instrument.
- Get a hobby you really enjoy.
- Do an assessment of things you've enjoyed doing in the past or make a list of things you might enjoy doing in the future.

Emotional and psychological

- Share your feelings and experiences in a support group.
- Get some professional help with any area of your life that seems to keep you off balance.
- Help others as a volunteer or friend. In doing so, you will feel good about yourself and may learn more about yourself.
- Look at your behaviour and evaluate if any of it is keeping you from being a better parent.

Physical

- Walk, jog or exercise daily (or as often as possible).
- Join an exercise class or club or start one.
- Join a sports league.
- Go camping with groups or clubs.

Self-appreciation

- Compliment yourself when you've done an effective job in parenting.
- Don't compare yourself with other parents who appear to be perfect. (Chances are, they aren't.)
- Ask for help when you need it. You deserve it.



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This handbook provides general information only. For legal advice, please consult a lawyer.



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