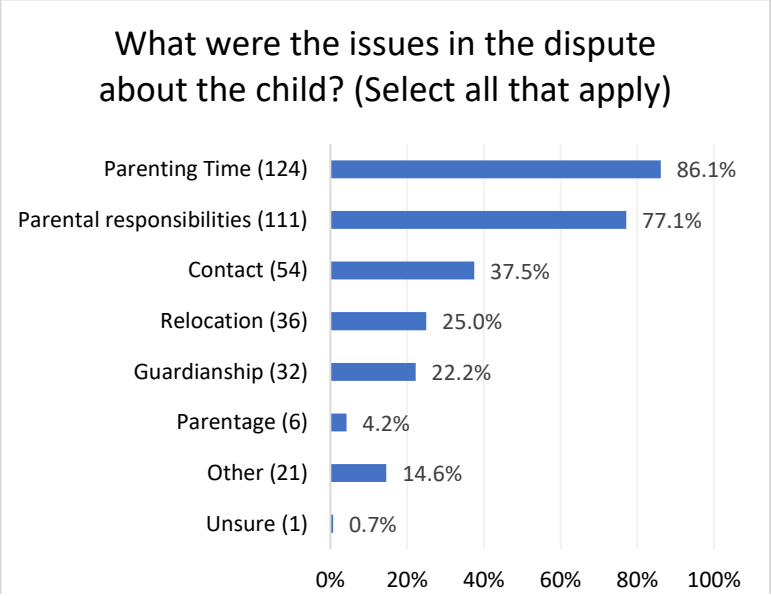
CHAPTER 1: Guardianship, Parenting Arrangements & Contact

Introduction

Phase 2 of the *Family Law Act* Modernization Project includes a review of the provisions in Part 4 – Care of and Time with a Child of the *Family Law Act* (FLA) that are related to guardianship, parenting arrangements and contact with a child.

We received feedback on these topics through responses to a detailed discussion paper, surveys, and dialogue sessions. The Care and Time with Children Survey provided a snapshot of what types of issues arise in disputes concerning children.

Figure 1-1: Issues in Dispute about the Child



As seen in Figure 1-1, parenting time and responsibility for making important decisions about children (parental responsibilities) were the most common issues in family disputes about a child. The results in the Views of the Child Survey were similar (89% and 81%, respectively). The number of people who completed the Indigenous Perspectives and Youth Perspectives surveys were much smaller, but they also indicated these were common issues in dispute.

This chapter reviews the feedback we received on issues related to guardianship, parenting time and parental responsibilities and contact with a child. Relocation is discussed in Chapter 2 and parentage was reviewed separately by the British Columbia Law Institute (BCLI) and a report is available online at https://www.bcli.org/publication/97-report-on-parentage-a-review-of-parentage-under-part-3-of-the-family-law-act/. Although guardianship issues arise in fewer cases than other topics, guardianship issues are a significant focus of this chapter because guardianship is central to caring for a child.

Guardianship

Default Guardianship

Under the FLA, only a child's guardians may have parenting time or parental responsibilities, which means only a guardian can make important decisions for a child. In most cases, a child's parents are also their guardians. The FLA provides that a child's parent is their guardian while the parents are living together and after they separate. However, if a parent has never lived with their child, they will not automatically be a guardian unless they have regularly cared for the child. They may also become a guardian by entering into a guardianship agreement with the child's other guardian(s), or by applying to the court under section 51 of the FLA for an order appointing them as a guardian. Infrequently, a parent who would otherwise be a child's guardian will agree they will not assume a guardianship role. The FLA also authorizes the court, upon application by a guardian, to terminate a person's guardianship if that is in the best interests of the child.

Did you know?

In 2021, BC government and the Provincial Court implemented new Provincial Court Family Rules with language and forms that are easier to understand and use. These new rules apply to a variety of family law topics including guardianship, parenting arrangements and contact with a child.

We asked whether default guardianship provisions should be changed so that parents who have not lived with or regularly cared for their child would be considered guardians. In the alternative, we also asked whether a parent's guardianship should be based on some criteria other than living with or regularly caring for their child? Table 1-1 summarizes how people become guardians under the FLA and the feedback received on these provisions.

Table 1-1: How People Become Guardians under the FLA

Current Provisions in the FLA	Feedback suggesting changes
s.39 (1) While a child's parents are living together and after they separate, each parent of the child is the child's guardian	This default guardianship provision focuses on families where a child is born to two parents living together in a romantic relationship. It sets out who is a guardian during the relationship and after the relationship ends and the parents separate. It leaves a legislative gap in situations where parents have a child without a partner, or people who have a child together have either never lived together or separated before the child was born. Although case law has addressed this gap to ensure a child is not without a guardian in these situations, there was feedback it should be corrected in the FLA.

	Other feedback about the default guardianship provision was mixed. Some respondents feel default guardianship should be extended to include situations where the parents have never lived together. One respondent suggested certain circumstances where a parent who has not lived with the child should still be considered a guardian and not have to make an application under section 51, including if the parent seeks guardianship within a year of the child's birth or the parent becoming aware of the child's birth. However, other respondents favoured leaving the default guardianship provision as is, so that a parent who has not lived with or regularly cared for their child is not automatically a guardian. The rationale was that the current legislation protects some survivors of family violence from further abuse that occurs when the perpetrator takes advantage of their guardianship status and uses parenting arrangements as a way to gain coercive control. They felt there is flexibility in the FLA and a low bar to obtain guardianship by agreement, regularly caring for the child, or applying under section 51. There was further feedback that the courts are more likely to refuse an application for guardianship on the basis that a guardianship order is not in the child's best interests due to family violence as compared to terminating a parent's guardianship because of family violence. One response that supported leaving the requirement that a parent have lived with or regularly cared for the child suggested an exception in situations where the other guardian is obstructing or preventing the parent from caring for the child. Another concern about removing the requirement that a parent live with or regularly care for their child in order to establish default guardianship is that this would extend default guardianship to someone responsible for a sexual assault that results in a child being born. It would be up to the survivor parent to apply to court to have the perpetrator's guardianship terminated.

	There was also some concern that expanding default guardianship could lead to the Ministry of Children and Family Development inappropriately placing a child with a parent that had little or no relationship with the child if the child was removed from the primary parent. Under the current legislation, the parent who was not a guardian would likely have to apply to court for a guardianship order and the court would need to find that was in the child's best interests.
s. 39 (3) (a) A parent who has not lived with the child will still be a guardian if they are a parent under s. 30 of the FLA, which describes parentage established through a written agreement entered into before a child is conceived using assisted reproduction	No feedback. (Parentage provisions for when a child is born as a result of assisted reproduction or surrogacy was reviewed by the British Columbia Law Institute (BCLI). A final report setting out recommendations for amendments to Part 3 - Parentage is available on the BCLI website at https://www.bcli.org/publication/97-report-on-parentage-a-review-of-parentage-under-part-3-of-the-family-law-act/).
s. 39 (3) (b) A parent who has not lived with the child will still be a guardian if they have an agreement for guardianship with the child's other guardian(s)	No feedback.
s.39 (3) (a) A parent who has not lived with the child will still be a guardian if they "regularly care for" the child	The FLA does not presently define "regularly care for" although it has been considered in caselaw. There was feedback from both parents and legal professionals that the meaning of this phrase needs to be clearer, as it is confusing and interpreted "widely" differently from one judge to another. There were suggestions to either define the term in the FLA or add a list of criteria for the courts to consider when determining whether a parent has regularly cared for the child. There was also a suggestion that regular care should mean actual care rather than a willingness or intention to care for a child. On the other hand, there was feedback that the parent who is a guardian and has

	care of the child can block the other parent's attempts to establish regular care, creating a dynamic where the non-guardian parent is afraid to "rock the boat" and reduce their already limited time with the child. As described above, one response suggested a parent be considered a guardian if another guardian is preventing them from regularly caring for their child.
A parent who is not a guardian under one of the ways described above may apply to the court under section 51 for an order appointing them as guardian. They must follow the same process as a non-parent applying to court for a guardianship order. This includes filing an affidavit describing why the order would be in the child's best interests and filing a child protection record check, a protection order record check from the protection order registry and a criminal record check.	No feedback.
Provisions that end guardianship	
s.39 (2) There may be an order or agreement made after separation or when the parents are about to separate providing that a parent is not the child's guardian	No feedback.
s.51 (1) (b) The court may terminate a person's guardianship, except for a director who has guardianship under the *Adoption Act* or the *Child Family and Community Service Act*	No feedback.

Orders & Agreements for Guardianship

As outlined above in Table 1-1, a parent who is not a guardian because they have not lived with or regularly cared for their child may apply under section 51 of the FLA for a court order appointing them as a guardian. However, the FLA does not limit who may apply for guardianship of a child. Any person may apply under section 51 and may be appointed as a child's guardian if the court determines that is in the child's best interests, taking into account the person's relationship with the child and proposed plan of care described in the guardianship affidavit as well as the child protection record check, protection order check and criminal record check. Also, the court cannot appoint a non-parent as the guardian of a child who is 12 years or older without the child's written approval, unless the court finds it is in the child's best interests.

As also outlined above in Table 1-1, a parent who is not a guardian because they have not lived with or regularly cared for their child may become a guardian through an agreement with their child's other guardian(s). However, the FLA does not allow someone other than the child's parent to become their guardian by agreement; non-parents must apply to court under section 51. The process required under section 51 puts checks in place that are intended to ensure the child is safe and it is in the child's best interests to appoint the applicant as their guardian. There is feedback that the process is overly complicated and burdensome, especially when a family member is applying for guardianship of a child with the agreement of the child's parents or other guardians. Sometimes, the child is already living with another family member or a family friend and there was feedback that "litigation should not be the only recourse to appoint a guardian in such scenarios." It was suggested that checks and balances could be introduced to protect the child's best interests if a written agreement is used, such as making the appointment temporary with the time limit to be agreed on by the parties to the agreement and limiting the parental responsibilities of the temporary guardian.

Written agreements and kinship care/customary adoption arrangements

In some cultures, there is a tradition of extended family members and even the broader community members taking on responsibilities associated with caring for and raising children. Terms such as kinship care or customary adoption are often used to describe these arrangements, which vary depending on the culture, the community and the circumstances of the individual family. Written agreements may be one way to recognize an arrangement where a non-parent takes on something akin to a guardianship role and has certain parental responsibilities and parenting time with the child.

Most feedback generally supports making it simpler to extend guardianship, and in turn parental responsibilities and parenting time, to people that have taken on parental roles

within diverse family structures. There was feedback that this is needed to better reflect Indigenous people's concept of family and their views and practices concerning the responsibility for the care of children. There were comments that this should not be limited to Indigenous communities but should extend to other cultures and communities as well, including 2SLGTBQIA+ families.

However, some respondents also expressed caution around making it easier to recognize kinship care arrangements using a less formal process. Some of the concerns were around caregivers not understanding what benefits or supports they risk losing from the Ministry of Children and Family Development if they are recognized or appointed as guardians under the FLA. The concern is not that it would be inappropriate to recognize the guardianship role kinship caregivers have taken on, but that caregivers need to understand all of the potential impacts of legal guardianship.

A further caution was expressed around family violence and fear that someone may be coerced into signing a guardianship agreement. Within the current process this should be less likely because of the three checks that must be filed with the guardianship affidavit and the oversight of the court before the order is granted.

Indigenous Perspectives: Guardianship

In order to better understand the unique experiences and needs of Indigenous families, we conducted Indigenous dialogue sessions in May and June 2023 and prepared an Indigenous Perspectives survey, which was open from January to April 2024. The Indigenous Perspectives survey included questions about family violence and protection orders, and although the number of respondents was small (18), it provided additional insight on some of the feedback shared in the Indigenous dialogue sessions.

Participants in the dialogue sessions indicated the current FLA does not adequately recognize Indigenous families' interconnectedness with their community and their Nations. When asked to describe what needs to change in the FLA to address family law disputes involving Indigenous children or better reflect Indigenous families, survey respondents echoed this feedback, with respondents emphasizing the importance of Indigenous voices and perspectives being reflected in decisions about guardianship. As part of this, some respondents suggested the involvement of Indigenous representatives or family members in decision-making processes affecting Indigenous families and children. However, it is equally important that the involvement be meaningful, and that the decision-maker explain how the Indigenous perspectives have been considered in the decision. One Elder described how she had helped a member of her Nation applying for guardianship of their grandchild collect and shared information about their traditions and customs and how these would support the child. None of this information was reflected in

the reasons for judgement when the judge made a decision that was not in favour of the Indigenous grandparent.

What Was Said:

"I believe, considering the past, the most important thing would be for the Indigenous participants to feel represented. There should always be an Indigenous representative, preferable someone who could relate to the people being questioned/interviewed."

"... Services need to be bridged for family members who step in to provide for children regardless of the path they follow to get there."

"...in every stage of deciding on formation/changes to the Act, emphasis on taking direction/collaboration from/with Indigenous people."

"... change the definition of 'family' to make it more inclusive and in accordance with Indigenous laws and legal orders."

Feedback from the dialogue sessions and survey also indicated a need for better services and supports for guardians.

What Was Said:

"There needs to be alternative routes for them to access services, access support that doesn't feel colonial; there needs to be a lens that we can look at changing the system to better support them and have ways for them to feel welcomed and not governed by the government that they may have mistrust in due to generational trauma."

"The FLA overall fails to reflect unique family structures. It does not provide guidance or support after guardianship has been obtained through the FLA."

There was also feedback from the dialogue sessions indicating that the FLA's current approach towards guardianship is too "strict", and that a more flexible approach would be better situated to meet the needs of Indigenous families. As part of this, participants noted the challenges of obtaining court orders under section 51 of the FLA, and identified that a system allowing for temporary or fluid guardianship arrangements would be helpful.

The need to address family law matters under the FLA as well as child protection issues in a holistic and interdependent way was another theme that emerged in the feedback. Although government has assigned these to separate ministries, under different statutes, families are dealing with these issues at the same time and need to be able to resolve

guardianship and arrangements for the care of a child under both acts in a more seamless process.

Testamentary & Stand-by Guardianship

A testamentary guardian is someone appointed under section 53 of the FLA to take over the responsibilities of a child's guardian if that guardian dies. If a child's guardian is facing terminal illness or permanent mental incapacity, they can appoint a stand-by guardian to carry out their parental responsibilities when they become unable to do so. This can be done using a form included in the *Family Law Act Regulation* (Appointment of Standby or Testamentary Guardian (Form 2)), or a testamentary guardian may be appointed in a will. There is currently no court process to recognize a testamentary or stand-by guardian, and some testamentary and stand-by guardians have said it is challenging to get third parties to recognize they have responsibility for the child.

There was feedback that it seemed appropriate to at least file the documents appointing a testamentary or stand-by guardian with the court, even if there is no requirement that a judge approve the appointment. Others felt it would be appropriate to develop a court process to confirm the appointment of testamentary and stand-by guardians and issue a declaration or some other formal recognition of guardianship, potentially after reviewing criminal record and child protection checks as required in a section 51 guardianship application. The confirmation process could help to ensure the following: continuity of care, the appointment is in the child's best interests and that the person appointed as guardian understands the role and responsibilities of being a guardian.

Temporary Exercise of Parental Responsibilities

The FLA currently permits a child's guardian to give written authorization to another person to temporarily exercise some parental responsibilities on their behalf while they are unable to do so. The guardian is not transferring their guardianship to the other person, and they must specify which parental responsibilities the other person has.

There was feedback that agreed the FLA should be clear that a guardian authorizing another person to temporarily exercise specific parental responsibilities on their behalf continues to be the child's guardian and the other person will only exercise the parental responsibilities until the guardian ends the authorization. There was also feedback that it would be helpful if clear, simple and short forms were developed that guardians could choose to use to authorize the temporary exercise of parental responsibilities.

Although there was little feedback, one of the questions that has been asked is whether the temporary exercise of parental responsibilities is one way that kinship caregivers could

be recognized in their role, with a low degree of formality, and the ability for the child's guardian to easily end the authorization.

Parenting Arrangements

Parental Responsibilities

Some service providers who work with families reported the wording in the FLA should be improved to make it clearer to guardians which decisions they can make without having to consult or come to agreement with the other guardian(s). For example, it is not always clear that guardians do not need to consult on day-to-day decisions that need to be made during each guardian's parenting time.

There was also feedback that it is important to create parenting arrangements that best meet the needs and interests of each individual child, especially when a child is neurodivergent or has another medical condition. It was recommended the legislation should overtly read "diagnosis" as a factor to be considered when parenting arrangements are being formed and should require unique arrangements for such a child.

Parenting Time

The time that a child is in the care of their guardian, as set out in a court order or agreement between the child's guardians, is called parenting time.

The FLA directly sets out in section 40 that no specific parenting arrangement is considered to be in the child's best interests and there is no legal presumption that parenting time or parental responsibilities should be shared equally among guardians. Similarly, there is no presumption as to whether a child's guardians should make decisions about the child separately or together in a particular family. Parenting arrangements in each family are to be decided based on what is in the best interests of the child in that particular family, considering all of the child's needs and circumstances. Feedback strongly supported maintaining this provision. One

respondent agreed with the conclusions reached by the federal government when it purposely chose not to include an equal shared parenting presumption in the *Divorce Act* amendments implemented in 2021. The federal government explained such a presumption could increase conflict and litigation as well as risk of family violence, and was inconsistent with a child-centred, best interests analysis. Some respondents stated that including an equal shared parenting presumption in the FLA now would be inconsistent with the *Divorce Act* provisions and the emphasis on the best interests of the child, as well as prioritizing parents' rights to time with a child, compromising children's safety, and being insensitive to the impact of the presumption on family violence survivors.

In the Care and Time with Children Survey, parenting time was identified as the issue most often in dispute. Many respondents shared experiences of the other parent pressing for equal parenting time in situations where there was a history of family violence or substance use or mental health issues that created risk to the child. There were comments that stated that these circumstances were not considered when parenting time was determined, nor were the children given an opportunity to be heard. Another theme that emerged in the survey feedback was parents seeking increased parenting time to avoid or reduce child support payments. Under the *Child Support Guidelines*, if a child is in the care of a parent at least 40% of the time, each parent is responsible to pay the other child support according to their income, rather than one parent being the sole payor. Respondents spoke about parents fighting for equal parenting time and the corresponding reduction in child support payments, but not really wanting the extra time and often cancelling or changing arrangements at the last minute or leaving the child with other caregivers.

What Was Said:

> *"History of abuse not taken into account. History of long standing alcohol use disorder not being taken into account. And the impact and risk of both of these issues not being taken into account when deciding on the parenting time."*

> *"The other parent only wants the children 50% of the time so that they don't have to pay as much child support. The other parent told me this directly however will deny it to anyone of importance (court authorities, lawyers, etc)."*

> *"Child has always been mainly with me, I do all the actual parenting, make all decisions, take to all appointments, shopping, absolutely everything but because it's automatically a 50/50 system, dad gets equal time even though he doesn't do even 10% of the work in raising the child. The child doesn't want to spend 50% of time with dad but I have no recourse because it's automatic 50/50."*

Participants in dialogue sessions, survey respondents and people submitting written feedback expressed frustration with the failure to recognize that in many families, parents spent unequal time with children before they separated. One parent said it was an inappropriate starting point in the family justice system to pretend both parents had shared equally in parenting. Some parents of children with disabilities were particularly adamant that in situations where one parent had been the primary caregiver for the child it was not in the child's best interests to try and shift to equal time after the separation, particularly if the other parent does not have the capacity to take on those responsibilities. There was also feedback that co-parenting a child with disabilities is not successful when one parent undermines the child's medical and disability needs.

Another issue that many respondents commented on was the impact of family violence on parenting time. People spoke about orders for equal shared parenting time being made without the court hearing or giving sufficient consideration to evidence of family violence, including evidence from the child. There was feedback that the rights of parents were prioritized over children's best interests, and the non-violent parents were powerless to protect their children's safety in the face of orders that gave parents with a history of family violence unsupervised parenting time. This issue is discussed further in Chapter 5 – *Family Violence & Protection Orders*.

What Was Said:

> *"Despite an extensive history of violence, abuse, volatile behaviour and the granting of a protection order, my ex was still given 50% parenting time, putting my child at risk 50% of the time with no avenue for me to protect her."*

An issue that is often linked with family violence is parental alienation. Parental alienation is described in many different ways, but generally refers to behaviours by one parent or caregiver that manipulate a child to reject the other parent out of hatred, fear or disrespect. Sometimes, perpetrators of family violence falsely accuse the survivor of parental alienation when the survivor seeks to limit the perpetrator's parenting time out of concern for the child's safety, or when the child does not want to spend time with the perpetrator due to the violence. There was feedback that this has shifted the focus of the courts away from the claims of family violence and focused on the alleged wrongdoing of the parent accused of alienation (usually the mother). The FLA does not specifically reference alienation and there has been some feedback suggesting it should prohibit claims of parental alienation as this is typically a way to harass the mother and dissuade her from bring up family violence. On the other hand, there are parents whose relationships with their children have been damaged because of the other parent's campaign against them. They feel the FLA should specifically deal with this.

What Was Said:

> *"My daughter hasn't spoken to me in over two years. We were very close, until her mom and her family talked so badly about me [and] she eventually believed it, and the FLA has a serious deficit in addressing parental alienation. It's child abuse and co-parent abuse. It is torture to be a victim of this, and the ones doing it get away with it every day like they've done nothing wrong."*
>
> *"The other party is using a common tactic of false claims of parental alienation to alter the litigation path and dismiss the family violence that has occurred."*
>
> *"…some parents do not come to the table with the best interests of the children at the centre. It is very hard, and tiring, to try and explain this to those in the Family Law system. Parental alienation is real and needs to be brought into account in the Family Law Act."*

Youth who participated in dialogue sessions or completed a survey offered feedback about parenting time from their unique perspective as the children whose lives are perhaps most impacted by parenting arrangements, including parenting time schedules. Many are not happy with the arrangements – none of the 11 youth who responded to a question on the Youth Perspectives Survey that asked, "Are you happy with the parenting arrangements that are in place for you?" said they were happy.

Table 1-2: Youth Perspectives: Happiness with Parenting Arrangement

Are you happy with the parenting arrangements that are in place for you?	**%**
Just OK (2)	18.2%
Sort of unhappy (2)	18.2%
Very unhappy (7)	63.6%

Several of the young people were unhappy with the arrangements because they did not feel safe with one parent they were "forced" to spend time with. Some did not want to switch between homes or live in a particular community, away from friends. Several expressed anger at not having the right to decide what parenting arrangements were best for their own health and well-being.

What Was Said:

> *"It's a bit blurry since I was around 9 years old and my parents were separating. As one of the children of divorce, I had a 70/30 parenting time – the majority with my father. I remember parenting time being hard to understand, and I didn't want to*

go back and forth throughout the week. The parenting time (schedule) was difficult…"

"I don't want to spend any time with my dad who scares me; hurts me emotionally and medically. I should have this right to my own physical and mental health."

Contact with the Child

The time that a child spends with someone other than a guardian, by way of an agreement with the child's guardians or a court order, is called "contact" in the FLA. Contact may occur in-person, or it may take place another way, including over the telephone or video calls. There is no limit on who may request contact with a child, but any arrangements for contact must be in the child's best interests.

Although any person may apply for contact with a child, many of these applications are made by grandparents, sometimes in situations where one or more of the child's guardians oppose the application. There was feedback that it is currently too difficult for grandparents to obtain contact. It was proposed that the FLA lay out a clear test for grandparents to obtain contact, and that it should be possible for grandparents who have taken on a parent-like role for their grandchildren to obtain contact without litigation. It was suggested the FLA could include a test similar to one that has been used by the courts - a person applying for contact with a child must show:

- a pre-existing relationship with the child,
- the strength of the relationship with the existing guardian,
- whether there are any family violence issues, and
- the benefit of having an ongoing relationship.

There was also concern from a respondent that contact provisions in the FLA do not limit who may apply for contact, although any order for contact must be made only on the basis that it is in the child's best interest. In particular, there was concern that birth parents

could apply for contact with the child after an adoption was finalized and the parties had agreed there would not be subsequent contact with the child. This situation creates uncertainty, stress and financial costs for the adoptive family.

Indigenous Perspectives: Parental Responsibilities, Parenting Time and Contact

Feedback from the dialogue sessions and survey emphasized the importance of every Indigenous child having the opportunity to grow up with their culture. Sometimes it can be difficult to implement parenting arrangements that achieve this objective when only one of the child's parents is Indigenous. Some survey respondents described the outcome of litigation as the non-Indigenous parent being chosen over the Indigenous parent or the family law process being unfair towards Indigenous parents.

One of the key points that came up often in feedback from Indigenous people was the traditional role of extended family and the broader community in caring for Indigenous children. Many considered it important that the FLA have flexibility to reflect this when determining who should make important decisions about a child and spend time with the child.

What Was Said:

"Common cultural practice in Nuu-Chah-Nulth would be the entire family raises the children (including) aunties, uncles, older cousins, grandparents."

However, there was also feedback that colonialism and intergenerational trauma has undermined traditional family structures and practices in some families and communities.

What Was Said:

"My family has a toxic dynamic when it comes to the responsibility of raising children, and this is intergenerational. Trauma and substance dependence has played a large part in this. Parents have viewed themselves as solely responsible and have been hostile towards family members who step in to care for children."

Additional Feedback

Alignment with *Divorce Act* provisions

There was feedback from legal professionals that there should be alignment between the FLA and the *Divorce Act* with respect to:

- How responsibility for making decisions about children is described and allocated

- The provisions for contact with a child

Challenges with respect to disability and neurodiversity

Parents living with disabilities provided feedback on some of the challenges they had faced while dealing with parenting arrangements in the family justice system. One parent described trying to function with a brain injury and the lack of understanding within the justice system of how difficult it is to regulate emotion and present information in legal proceedings that trigger trauma responses. This was echoed by others who had found it an ongoing challenge to have the nature of their disabilities recognized. Another parent commented that inconsistencies in their own behaviour were sometimes disruptive to the child's routine and sense of stability as well as stressful for the primary caregiver.

Financial challenges were another issue that was raised, both with respect to parents living with disabilities as well as children with disabilities. There was feedback that the FLA does not contemplate a child may have disabilities, except for acknowledging a child with a disability may need support beyond the age of majority. This does not recognize that these children may need extra child support to pay for higher food costs, increased wear on clothing, toys, furniture, household goods, or home improvements to manage special needs. Responsibility for making decisions about education and healthcare may also be complex. Parents living with disabilities also face significant financial barriers. Disability benefits may disqualify them from legal aid, yet they usually do not have enough income to hire a lawyer. They may also need certain accommodations within legal proceedings and have to fight for them, when that shouldn't be the case.

What Was Said:

> *"My neurodiversity created obstacles for my understanding as to what my child's mother was pushing for in terms of decision making. The lack of clarity around family law combined with challenges both financial and otherwise, getting legal help for those when neurodiverse challenges create an environment where we can*