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## Child Hostages

*Category: Custody & Access*

The answer, according to UBC Professor Dr. Edward Kruk, is the “divorce industry”. The question is, “why is it taking so long to implement changes to divorce and family law to reflect equality between men and women, as it relates to child custody and access?” According to the Professor, there is a vested professional interest on the part of groups such as lawyers and judges to maintain the adversarial family law system. Laws which the Professor and Mike Anger, Fathers’ Advocate, both agree, promote a “winner take all attitude”.

Crucial reforms to Divorce Legislation have been stalled by Federal Justice Minister McClelland who has indicated that any meaningful changes may make take three more years to implement, citing the fact that separate discussions would need to be undertaken with each province. All the more surprising when the Federal government implemented changes to Federal child support guidelines, involving all provinces, within an extremely short period of time.

Current legislation does require the courts to consider the “best interests of the children” as the paramount factor in deciding issues of custody and access, but in practice Mike argues this is rarely the case. In effect, the children simply become hostages of the system.

One of the answers, according to both Mike and the Professor, is the adoption of a “shared parenting” approach which originates with the presumption that both parents have an equal share in the parenting of their children. This principle would replace the current regime which usually awards custody to one parent with joint guardianship to both. Shared parenting, however, doesn’t necessarily mean that both parents would share the children for one-half of the available time. It would mean however that both parents would be expected to work together on their joint parenting strategies.

The subject of resources was also raised by both. There appears to be a commitment on the part of government to reasonably fund a variety of

women’s shelters and support services, while there is a complete lack of commitment to do likewise for fathers who desperately need support.

If there is a hopeful message in this story it’s that two intelligent parents can decide for themselves to work out their own parenting plans with the assistance of a professional, such as a family mediator. Don’t let yourself or your children be taken hostage by the court system. 