



Scott T. Taylor

Family Lawyer & Mediator

Putting Children First

Category: Custody & Access

Unfortunately, it appears to be a well-kept secret, at least to me. I'm referring to the work of the Federal Law Committee, currently reviewing legislation and services related to "helping families work out the best arrangements for children after their parents separate or divorce".

I recently reviewed a client's copy of the documents entitled "Custody, Access and Child Support in Canada", including a "feedback booklet" soliciting comments on a wide variety of legal issues. Some of the guiding principles of the Committee are identified as "ensuring that the needs and well being of children come first, recognizing that children and youth benefit from the opportunity to develop and maintain meaningful relationships with both parents, grandparents and other extended family members, and promoting non-adversarial dispute resolving mechanisms while retaining court hearings as a last resort".

The documents solicit comments and feedback on a wide range of issues, including the roles and responsibilities of parents, determining the best interests of the children, family violence, child support in shared custody situations, the impact of access costs on child support amount, and the child support obligations of a step-parent.

I was particularly intrigued by the options soliciting comments of the term "custody". One option would maintain the existing term of "custody". Another option would retain the term but define it differently and more broadly, eliminating the need to refer to custody as sole or joint custody, and identifying the responsibilities of the respective parents.

A third and fourth option would introduce and promote the phrase "parental responsibility" which would attempt to describe the rights and responsibilities of each parent, such as responsibility for meeting the children's daily needs, responsibility for day to day decisions, and responsibility for making major decisions.

The final option, and the one which I strongly endorse, proposes to introduce the phrase and concept of "shared parenting" into family law legislation.

While this approach would not automatically mean that the children would live an equal amount of time with both parents, it would mean that "the starting point for any parenting arrangement, however, would be that children would have extensive and regular interaction with both parents, and that parental rights and responsibilities including all agreements of decision making would be shared equally or nearly equally between the parents". Those opposed to such an arrangement would be required to demonstrate that such arrangement was not in the child's best interests.

Hopefully, the feedback received will be used by the respective governments, federal and provincial, to create meaningful changes in existing legislation to better serve the interests of children and families. I encourage anyone with something to say on these critical issues to contact the Committee for copies of the documentation and feedback booklet at 1-888-373-2222 or visit the web site at www.canada.justice.gc.ca/en/ps/cca/index.html, and return your comments by the 15th of June, 2001.

Let's not keep this worthwhile endeavor a secret any longer. Let's put our children first. 🌱