

# No Matter What

## Annotated Version

# Credits

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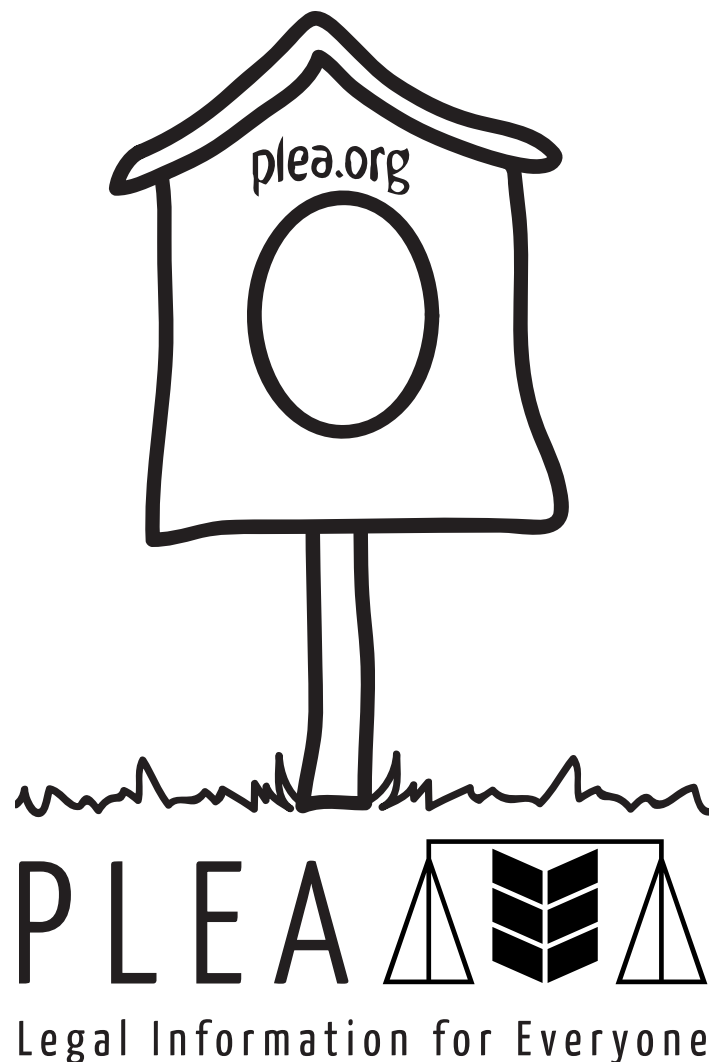
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No  
Matter  
What

# Forward

Dealing with separation and divorce is tough, even for the most secure and well-adjusted child. But there are things that can help a child through the separation process and provide support as they adjust to their changing family situation. Raising happy, healthy children regardless of changes to their family unit is more than just a rewarding experience for parents. It also improves the chances that those children will have a strong foundation to do the same when they become parents themselves. Parents, family members, teachers and individuals in the community can all make a difference.

The United Nations *Convention on the Rights of the Child*, the *Divorce Act*, *The Children's Law Act* and *The Child and Family Maintenance Act* all express ideas recognizing the rights of children. When parents separate or divorce and start dealing with the changes that come with raising a child while living apart, a phrase that will come up again and again is *the best interests of the child*. Focusing on the best interests of the child can help ensure that these rights are respected.

Now of course every parent may have their own idea about what is best for their own child. If parents disagree on what is best for their child they may be able to reach an agreement with help from someone else. When two parents are unable to reach an agreement, a court may be asked to decide the issue. It is important to note that the law recognizes that every family situation is unique and what is best for one child may not be what is best for another child.

To decide the best interests of the child, courts will want some information about the type of relationship each parent has with the child, as well as information about other close relationships the child may have. They will want information about which parent the child is now living with, details about their relationship with that parent and the home environment. The court will also want information about the other parent's relationship with the child and details about how they spend their time together. The court will want information about each parent's ability to be a good parent to their child.

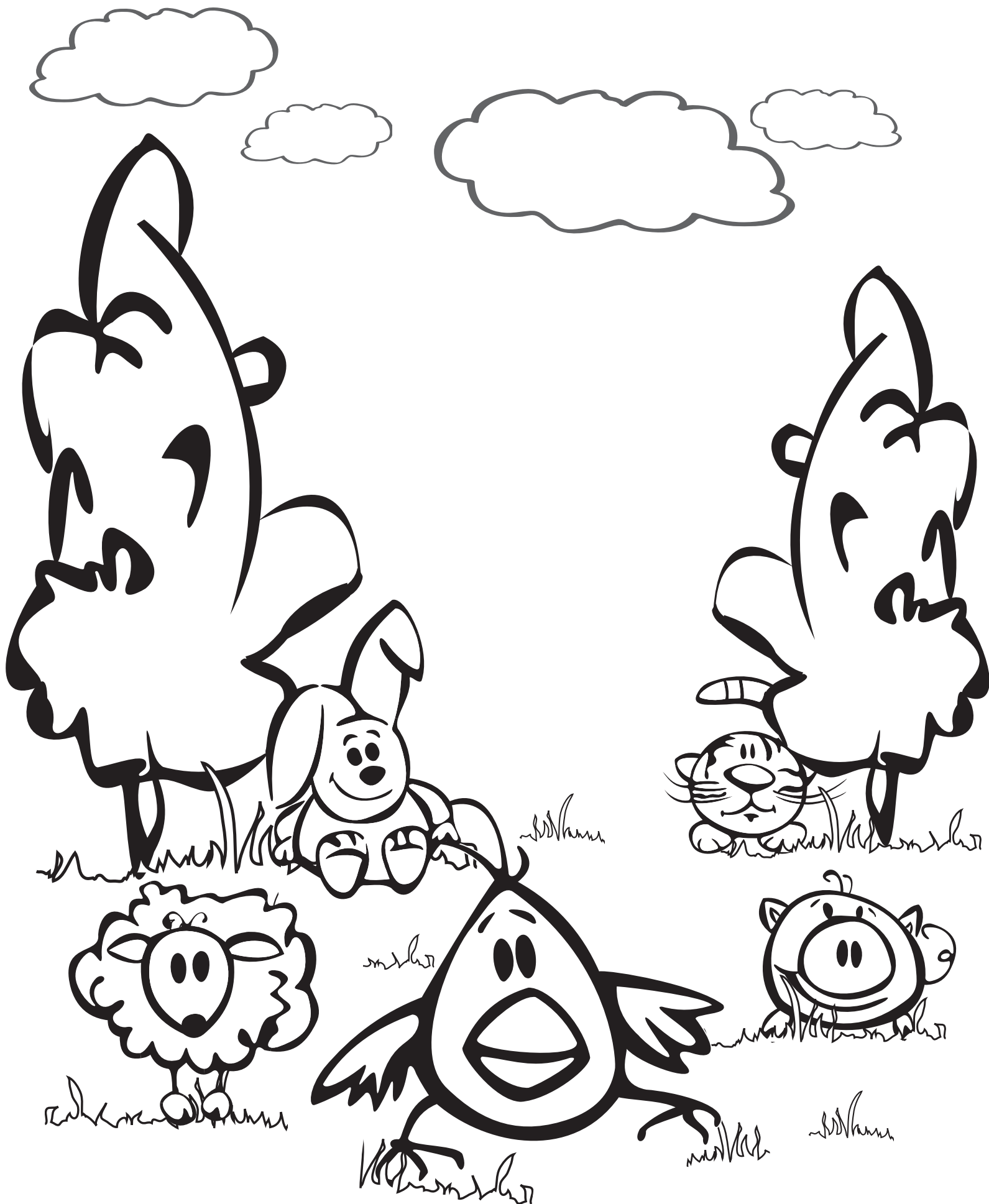
The court will generally find that it is desirable for both parents to be involved in their child's life and that both have a role to play in issues such as discipline, schooling, cultural, religious or spiritual guidance, health matters and activities. They will want information about each parent's ability to allow, encourage and facilitate contact with the other parent, unless it would be harmful.


As kids colour the pages, read over the ideas expressed throughout this book and discuss them together. Putting the concepts into different words may help younger children to better understand them. Together, try to think of examples that emphasize commitment to these principles and how they apply to different families. This time can also provide an excellent opportunity to hear a child's point of view and thoughts they have about how the ideas expressed relate to their own family units. Use these ideas to assure children that, no matter what, committed parents will always be there to nurture, protect and provide for them.

## Something to Talk About...

As one of the goals of this colouring book is to encourage kids to discuss their feelings about changing family situations, you may wish to have kids construct and fill out speech balloons, perhaps made from sticky notes, to place in the pages of this colouring book. This may help open communication regarding parenting, separation and divorce, and help children to find their voice.







Families are diverse. Parents and educators have an important role to play in helping children understand the importance of diversity in society and the rights that all family members have regardless of the make-up of their family. Children need to be able to recognize themselves as part of a legitimate family unit and be able to dismiss negative stereotyping. While this may be a difficult task for any child living in a non-traditional family unit, it may be particularly difficult for a child whose family structure has changed as a result of parental separation or divorce.

Families typically undergo all kinds of changes. The number of children in the home may change as new additions join in or older children move out. The family might move to a new home or a new city. A parent may change jobs or become unemployed. And parents may separate or divorce.

Parental responsibilities include a range of complex rights, duties, powers and authority. These responsibilities may change with separation and divorce, but they don't simply cease to exist. Whether parents are young or old, rich or poor, in a relationship or on their own, being a parent means being connected forever.

Generally speaking, parents of a child have the right to custody and control of the child, meaning that parents have the right and responsibility to physically care for the child and make important decisions regarding their life. When parents separate or divorce, some of these rights and responsibilities are split between the parents, but this does not change the fact that the child will continue to have two parents, will continue to be cared for, and will continue to be entitled to a relationship with both parents.

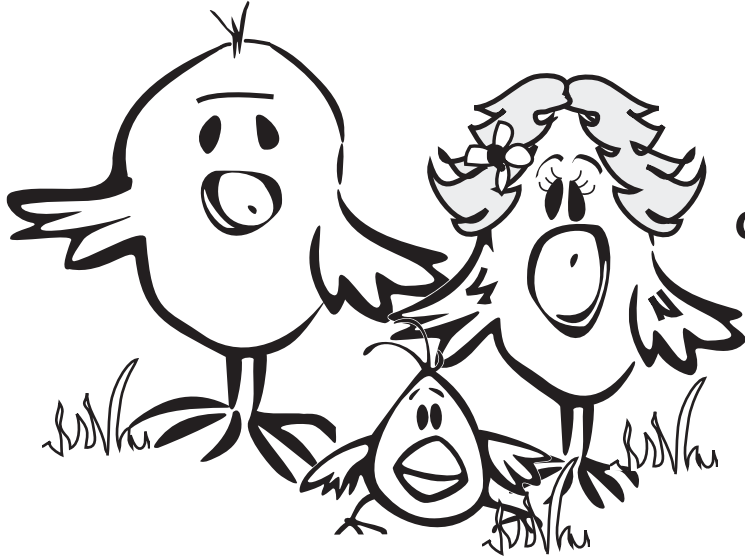
Although there are laws that can provide some direction and courts that will settle disagreements, there is no one right way for things to be following a separation or divorce. Every family is different. And although families go through all kinds of changes following a separation or divorce, parents and children continue to share a connection.

### Something to Talk About...

Discuss different types of family structures, such as single parents, grandparents or other relatives who raise children, step-parents, and same-sex parents. Identify the differences and the similarities. It's important for schools and communities to recognize and respect different family structures and be sensitive to activities or systems that may reinforce negative stereotypes sometimes associated with non-traditional family structures.



# Families



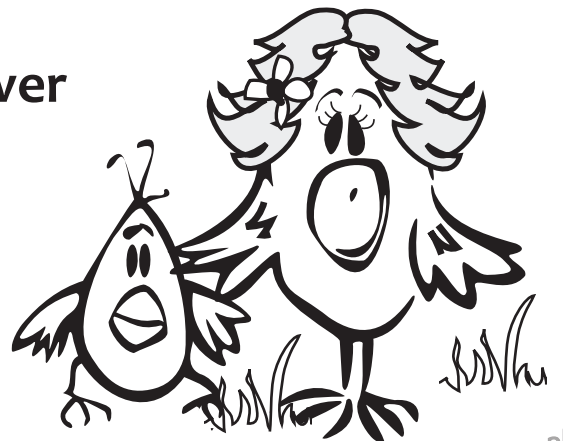
Families  
are all  
different.



Over time, some  
things about a  
family might  
change.



But some  
things will never  
change.



Through various international conventions, Canada's commitment to human rights requires our government to balance the rights and needs of children, on the one hand, and those of parents on the other. Specifically, the United Nations *Convention on the Rights of the Child* sets out the independent rights of children while recognizing that the best interests of the child are typically realized by supporting the child's family unit.

In Saskatchewan the legal responsibilities of parents who have never been married are governed by provincial laws such as *The Children's Law Act* and *The Family Maintenance Act*. The legal responsibilities of married parents are governed by these provincial laws as well as the federal *Divorce Act*. In these contexts, the responsibility or obligations of parents typically results in rights for children. It is important to note that regardless of a separation or divorce all children have the same rights, whether or not their parents are, or ever were, married.

The law recognizes that both parents of a child have legal rights and obligations towards the child. Unless a court orders something different, the parents of a child are generally considered joint legal custodians with equal rights, powers and duties. Children also have rights of their own, rights that a parent cannot deny to the child.

Every child has a right to spend time with each parent and each parent has a right to spend time with their child. Our laws reflect the belief that children should have as much contact as possible with both parents, unless it would be harmful to the child.

The law says that both parents must support their child. This applies to parents whether they are married, living together, separated or divorced, and even when they have never lived together as a couple. This obligation to provide support also applies regardless of how much time the parent spends with the child or their level of involvement in the child's life. Courts have very clearly stated that...

- child support is the right of the child
- the right to support survives the breakdown of a child's parents' relationship
- child support should, as much as possible, provide children with the same standard of living they enjoyed when their parents were together, and
- the specific amount of child support will vary based on the income of the paying parent

### Something to Think About...

Several ideas that explore the rights of children in the context of Saskatchewan family law and in the context of the United Nations *Convention on the Rights of the Child* are found in this guide. You may wish to explore a few of the ways to expand your knowledge in these areas.

UNICEF, the United Nations Children's Fund, works to uphold the United Nations *Convention on the Rights of the Child*. Their website has a detailed guide to the Convention and links to several other children's rights organizations. Find it at [www.unicef.org/crc](http://www.unicef.org/crc).

Oxfam, an organization that works towards a more just and sustainable world, has created a series of lesson plans about children's rights for those aged 8-10. Based on the goals of the UN *Convention on the Rights of the Child*, these lessons help young people explore the difference between wants, needs, and rights. Find this resource at [www.oxfam.org.uk/education/resources/rights](http://www.oxfam.org.uk/education/resources/rights).



# Rights



**Although different kids may have different families, all kids have certain rights that are the same. No matter what.**

Article 12 of The United Nations *Convention on the Rights of the Child* states that children have a right to have their opinions heard about matters that affect them and particularly so where judicial proceedings, such as custody and access, are involved. Being receptive to a child's feelings and emotions makes a child feel safe and allows them to express themselves openly and honestly without fear. It gives them a sense of belonging.

In the family law context, exploring options that include a child's participation in decisions affecting them as a result of separation or divorce is often referred to as including "the voice of the child."

Having input in a decision-making process is not the same as being entitled to make the final decision – courts have held that in all instances the wishes of the child will not override what is in their best interests.

When separating or divorcing couples are unable to settle on new parenting arrangements, whether on their own or through mediation or negotiation, a court may be asked to determine the matter. Generally speaking a court will want as much information as possible to come up with a parenting arrangement that is in the best interests of the child. The court can order a custody and access assessment to help determine a suitable parenting arrangement. The custody and access report evaluates the needs of the child, as well as each parent's ability to meet those needs.

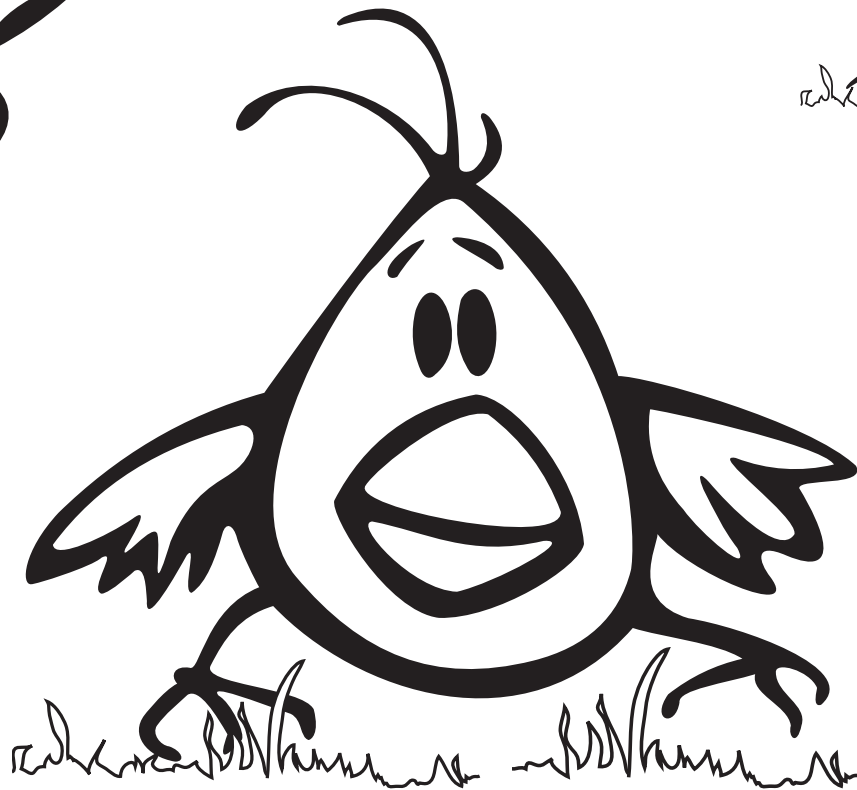
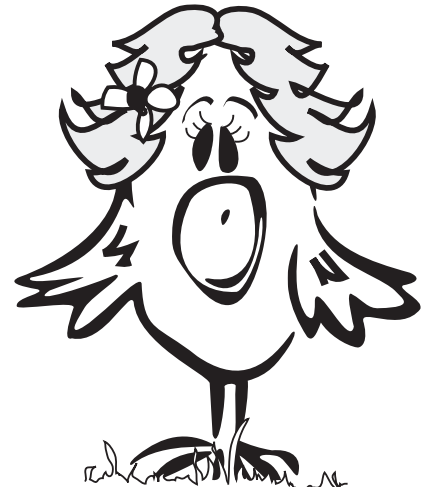
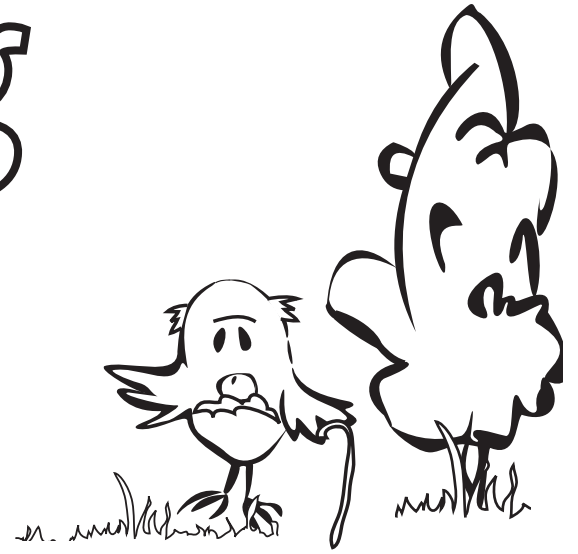
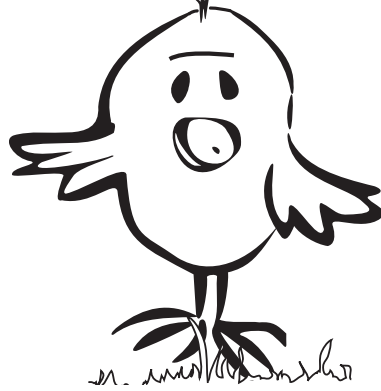
Custody and access assessments are performed by qualified social workers. The assessor may consider the family and parenting background and the parent's views of the needs of the child. The social worker may spend some time observing the child with each parent and talk to other individuals in the child's life. These other individuals might include people like teachers, doctors, family members and friends.

Depending on the age of the child, the assessor may also speak directly to the child. Family Justice Services provides qualified individuals to prepare what is known as a Children's Voices Report. This report is limited to the wishes and concerns of children ages 12 and over. Sometimes going through the assessment process itself helps parents to once again focus on the needs of their child.

Regardless of how the courts get their information about a child's needs, parents need to recognize the importance of listening to their children. Children need to know that they are important. Family counsellors and other health care professionals stress that listening and encouraging a child to share their thoughts and feelings can boost a child's self-esteem and make them feel loved, appreciated and important. It also lets them know that what they say matters to someone. The Family Education Network ([www.familyeducation.com](http://www.familyeducation.com)) offers these straightforward tips on listening to your child...

- Listening carefully can provide you with a lot of information about what is going on in a child's life and mind.
- Listening effectively builds strong relationships.
- Listening thoughtfully shows respect.
- Listening is always the first step in solving problems.
- Listening to your child can teach you a lot about what they need.
- Listening to your child can help your child listen to you.

# Belonging



**All kids are an important part of their family, with their very own thoughts and feelings.**



Until parents of a child make an agreement or get a court order dealing with custody and access they are generally considered joint guardians of their child, with equal rights, powers and duties. Both the *Divorce Act* and *The Children's Law Act* use the terms *custody* and *access* to describe the rights and responsibilities of parents in relation to their child. Over time, both the courts and family law professionals have begun to move away from this language, but because our laws still use these terms, it is important to understand the concepts.

Custody typically refers to the rights and responsibilities to care for a child. It includes making the major decisions in a child's life, such as where the child will live and go to school, the type of religious or spiritual education the child will take part in, and whether or not to seek or consent to medical treatment.

Access typically refers to time a child spends with their non-custodial parent. The parents of a child may agree to, or a court may order, access for someone other than a parent. This may happen when a child has a close and meaningful relationship with someone like a grandparent or other extended family member.

When only one person has custody of a child the term *sole custody* may be used. If one parent has sole custody a court will usually order that the other parent have access, unless it would not be in the child's best interests. When more than one person has custody of a child and shares these responsibilities the term *joint custody* may be used. Traditional joint custody requires parents to cooperate with one another to reach decisions related to their child's life. Joint custody doesn't necessarily mean that the child will actually spend time living with each parent, although that is one possibility.

Regardless of the terms used, it may be helpful to remember that there are basically two aspects of caring for children to be considered when parents are not living together. One aspect is the right and responsibility to make major decisions for the child. The other aspect concerns where the child will live. The following terms describe some of the various combinations of these two aspects.

Shared Custody: the child lives with each parent for an equal, or close to equal amount of time and the parents generally share decision-making responsibilities.

Parallel Parenting: the child spends time living with each parent and that parent generally has complete responsibility for the child when the child is with them.

Split Custody: each parent has the physical custody of one or more children – for example, a family may have the older children living with one parent while the younger children live with the other parent.

Primary Residence: sometimes used to describe situations where a child will live mainly with one parent even though the parents have joint custody and share major decision-making responsibilities.

Nesting: used to describe joint custody situations where the child remains in the family home while the parents take turns moving in and out.

Parenting Time: sometimes used instead of the term "access" but may also be used simply to describe the time each parent spends with the child.



# Love & Protect



Even when a family is changing, there are lots of different ways to take care of a child's needs.

A basic principle of family law is that children benefit most from having two loving parents involved in their lives. This principle is echoed in all our laws dealing with children and remains a key component even in situations where each parent chooses to parent differently. In the case of separation or divorce, it can be very difficult for parents to agree on anything and issues around parenting, custody and access are no exception. [ParentsWorld.com.sg](http://ParentsWorld.com.sg) offers a few things to consider that may help parents focus on the best interests of their child and honour the connection their child has with both parents...

- Children need and benefit from having two parents in their life that can provide a safe, loving and nurturing environment.
- There are many different ways to parent; love for the child can be a common denominator.
- While some aspects of the parent-child relationship will change, many will remain the same.
- Different parenting styles may not be bad, they just might be different.

Because our laws are based on the belief that generally a child will benefit from maximum contact with both parents, our family justice system has fashioned programs and services that can facilitate access even when there are some concerns about a parent's ability to act in the best interests of the child.

In Saskatchewan, the Supervised Access/Exchange Program can provide supervision of various aspects of an access visit to help ensure a child's safety and wellbeing. Typically a court will consider ordering supervised access when, for example, the access parent has...

- limited parenting skills
- a history of alcohol or substance abuse
- had limited contact with the child for a period of time and may need help to re-establish a relationship
- a history involving abuse or violence towards the child or other family members
- created concerns that they might abduct the child

In addition to supervised access or exchanges, a court may order that a parent take steps to address the issues that threaten the parent-child relationship or place certain restrictions on the parent during access periods. For example, a court may order that a parent attend additional parenting classes or refrain from alcohol and/or drugs before and during access visits.

In situations where parental conflict is the major concern, as opposed to concerns about interaction between parent and child, the court will continue to encourage the parents to find more appropriate ways to deal with their feelings towards each other.

### Something to Think About...

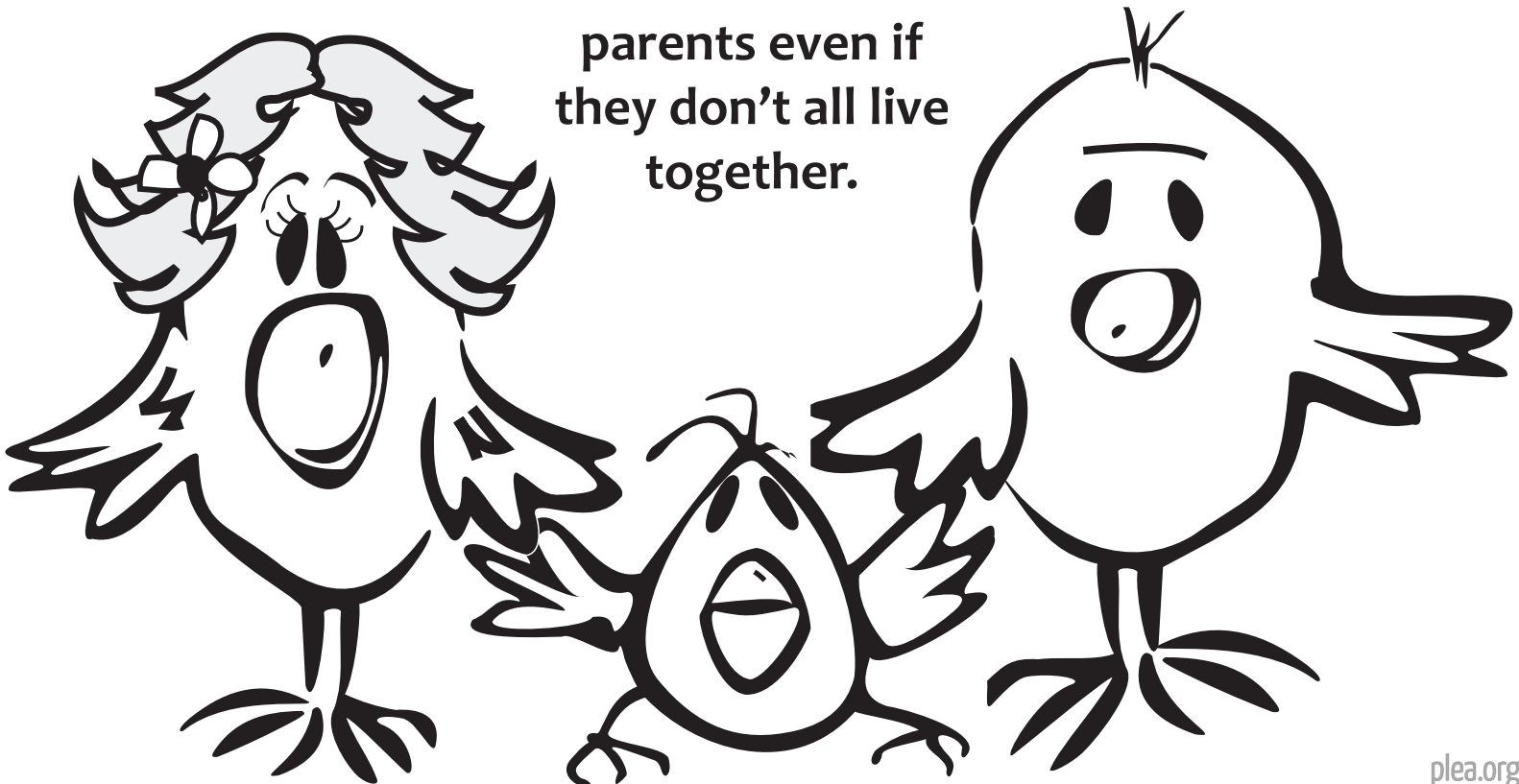
*Some family law professionals suggest that as families go through changes it may be helpful to pay special attention to the language of divorce to shift the focus away from the end of the couple's relationship and to instead use language that reinforces the ongoing parental relationship. For example, separated or divorced couples can stop referring to "my ex" and think and talk about them as "my children's mother" or "my children's father". Language can reframe the relationship and unconsciously affect how you talk of them, especially around the children, and even how you feel about them. – Deidre Sanders, Kids in the Middle*

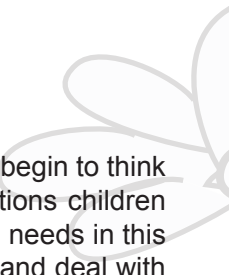


# Parents



It's okay for kids to  
love both of their  
parents even if  
they don't all live  
together.






The time around separation or divorce can be very difficult for both parents and children. When parents begin to think about new parenting arrangements, it may be helpful to have a good understanding of different reactions children may have to separation and divorce. Parents should take special care to address their child's individual needs in this regard. It is also important for parents to understand their own reactions to the separation and divorce and deal with their own emotions so that they can be there for their child.

In the midst of this, separating couples must also find a way to divide family property and continue to care and provide for their children after the separation. As difficult as this may be, parents need to find a way to deal with their emotions towards the other parent in a way that allows them to put the needs of their children first. Putting the needs of a child first not only benefits the child, it is also the main factor a court will consider if asked to determine new parenting arrangements.

Separating couples can determine the best parenting arrangement for their family in a number of ways. They may be able to reach an agreement on their own. Even if they are unable to reach an agreement at first, processes like mediation, collaborative law or negotiation through a lawyer may be able to help them reach an agreement. A well thought-out agreement can utilize strategies to help reduce conflict and focus on the best interests of the child.

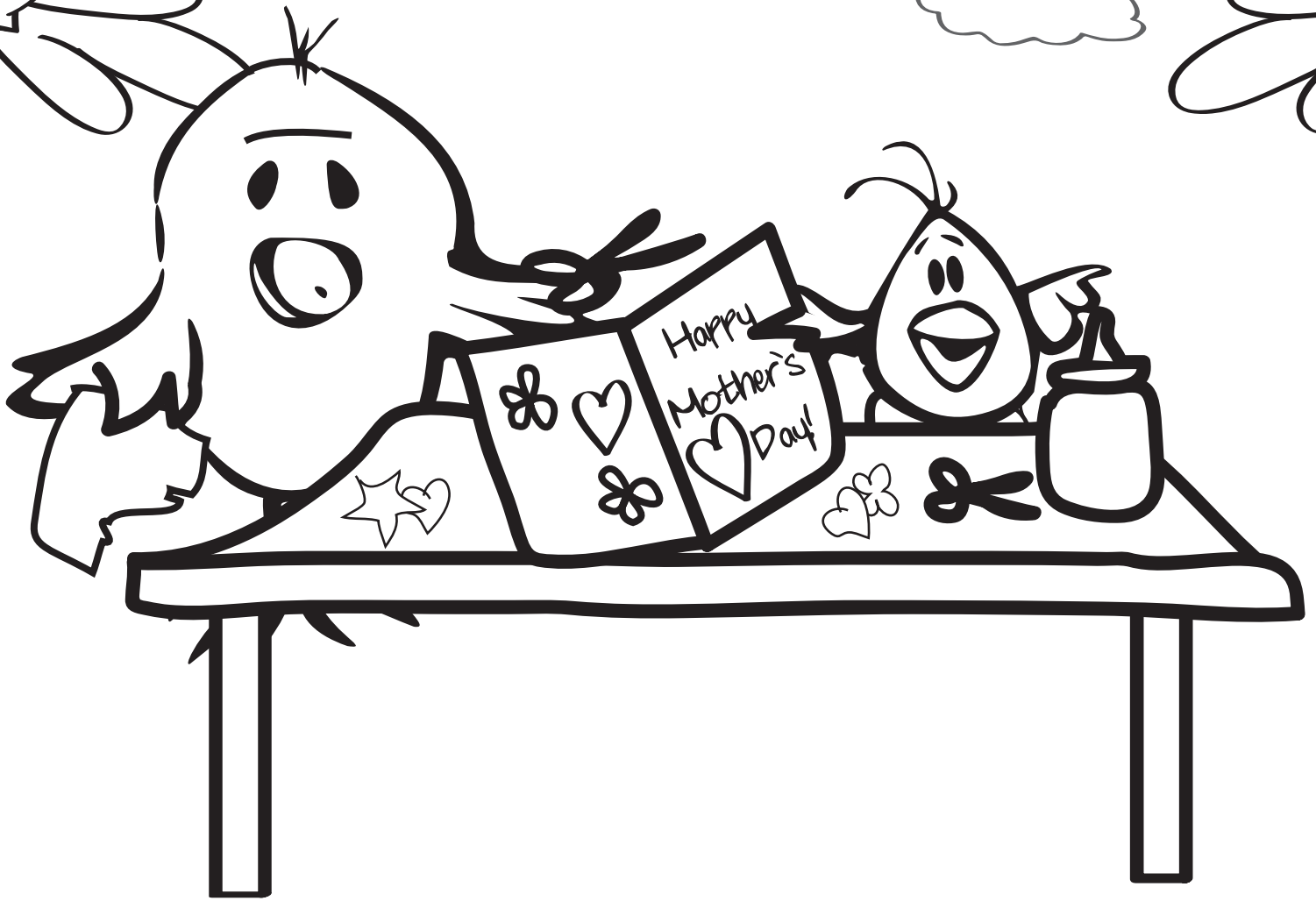
Although the reactions of adults and children to separation and divorce vary, family law professionals are beginning to see conflict between parents as a critical factor that influences how well a child will adjust to their changing family situation. Parental conflict includes outright hostility characterized by fighting, yelling, name-calling or even physical violence. But it also includes more subtle behaviours or *polite* hostility.

Parental conflict may lead to children feeling caught in the middle between their parents. However, there are many things that separating couples can do to reduce parental conflict and lessen the impact that separation and divorce can have on a child. As families face new challenges, they may even find that there is an opportunity for growth and development.



As a child ages and matures they will be better able to make their own decisions about how they see their other parent. Without doubt, there will be times when a parent feels the need to vent about the other parent – parents can take this opportunity to do so with an adult friend instead of their children and come to adult decisions about how to deal with the issue. Doing so without involving the children allows children to be children and maintain a sense of security that comes from having two parents they can love and adore.

# Working Together



Sometimes parents disagree with one another, but kids never need to choose sides. They don't need to be caught in the middle of their parents' problems.

Almost all divorces have some degree of stress, anxiety and even conflict. How these issues are addressed may be as important as the underlying issues themselves. Many child professionals suggest that how a child adapts to a divorce is largely dependent on the actions of each parent and particularly their actions towards one another. A child whose parents are frequently in open conflict with one another may feel pressured to take sides in the conflict in an attempt to gain favour or approval of whichever parent they are with at the time. Parents who put the other parent down often make the child feel put down as well. In this type of situation, a child is not free to express their love of both parents, which in turn can give rise to a myriad of emotions.

It may be helpful for parents to understand the benefits of maintaining a positive, respectful relationship with their child's other parent. Focusing on the best interests of the child rather than conflict between parents can provide a child with a sense of security. Behaving in a respectful manner can teach children this important value and provide the child with a positive role model. How parental conflict is managed can influence the ways in which the child will manage conflict in their own life and demonstrate useful techniques.

With this in mind, there are some general things to keep in mind. Parents should not...

- speak badly about the other parent in front of their child
- force the child to choose sides in a parental dispute
- use their child as a messenger or go-between
- treat the child as a pawn to hurt or punish the other parent

While some conflict may be inevitable, what is referred to as *high conflict* divorce is different. It is characterized by verbal and physical aggression, overt hostility and distrust. While it is very difficult to generalize such cases, it is not uncommon for parents involved in high conflict divorces to have strong opinions about the other parent's ability to properly care for their child and very different views about parenting practices generally. In this setting, parents are often incapable of making decisions based on the best interests of the child.

In extreme cases, what has been described as *parental alienation* may occur. Although the terminology may be relatively new, the behaviour, unfortunately, is not. Parental alienation involves situations where one parent targets the other parent, through subtle or overt actions, to the extent that it alters the child's love for the other parent. A court in a recent Saskatchewan case put it this way... "parental alienation occurs when one parent convinces the children that the other parent is not trustworthy, loveable or caring – in short, not a good parent."

Courts have consistently pointed out the devastating impact such behaviour can have on a child, in some cases going so far as to say it is a form of emotional abuse that may require drastic measures to undo.

*"The time has arrived for the parties to end their prolonged hostility and mistrust of each other. The children will only flourish when the conflict ceases and the parents give the children the license, freedom and encouragement to have meaningful relationships with both parents without fear of disloyalty or reprisal."* – 2006 Saskatchewan Judgment




# Understanding



I won first prize!  
Thanks for your help!  
You are the best!!!



Kids can say something nice about one parent without the other parent saying something bad. It's okay to recognize good things about both parents.



Many experts suggest that parents talk to their children openly, honestly and simply about their changing family situation, while ensuring that the children understand that separation and divorce is between the adults and that it will never impact the love they share with their children.

Family law professionals recognize that separation and divorce is difficult for the most secure and well-adjusted child. They also note that every family is different and children's reactions vary greatly. Reactions are influenced by age, developmental stage, maturity level, personality, available support from friends, family and the community, and the particular dynamics of the separation or divorce. Younger children may react differently than older children, boys may react differently than girls, and one child may react with sadness or anger while another might be relieved.

Reactions also vary over time. Sometimes a child can't accept that the separation or divorce is real or permanent and believe that their parents will have to get back together. After a while they may realize this is not likely to happen and may become angry. They might be afraid that they did something to cause the break-up. They might blame one parent more than the other. And they might be afraid that one or both parents will stop loving them, just like they stopped loving each other. They might feel sad or depressed and all alone.

Despite this rollercoaster of emotions, research indicates that most children will eventually come to accept their parents' separation or divorce and adapt to their new family structure. Talking with children who are experiencing separation and divorce can help. Listening to a child's concerns, being sensitive to their emotions and assuring them that together families can get through these challenges can really help. Taking action to address their concerns can further reinforce the fact that their best interests are most important. An adult's perspective can help a child make sense of the changes their family is going through and help ensure that the child doesn't feel responsible for the separation or divorce or think that they have the power to fix things.

The Family Justice Services Branch of Saskatchewan Justice offers parent education and information sessions for individuals dealing with family breakdown. The sessions include information about different stages of separation and divorce, options for resolving disputes, children's reactions to separation and divorce, and parenting after separation and divorce. Parent education can provide parents with valuable information to help deal with issues related to separation and divorce and allow them to focus on arrangements that put a child's best interests first.

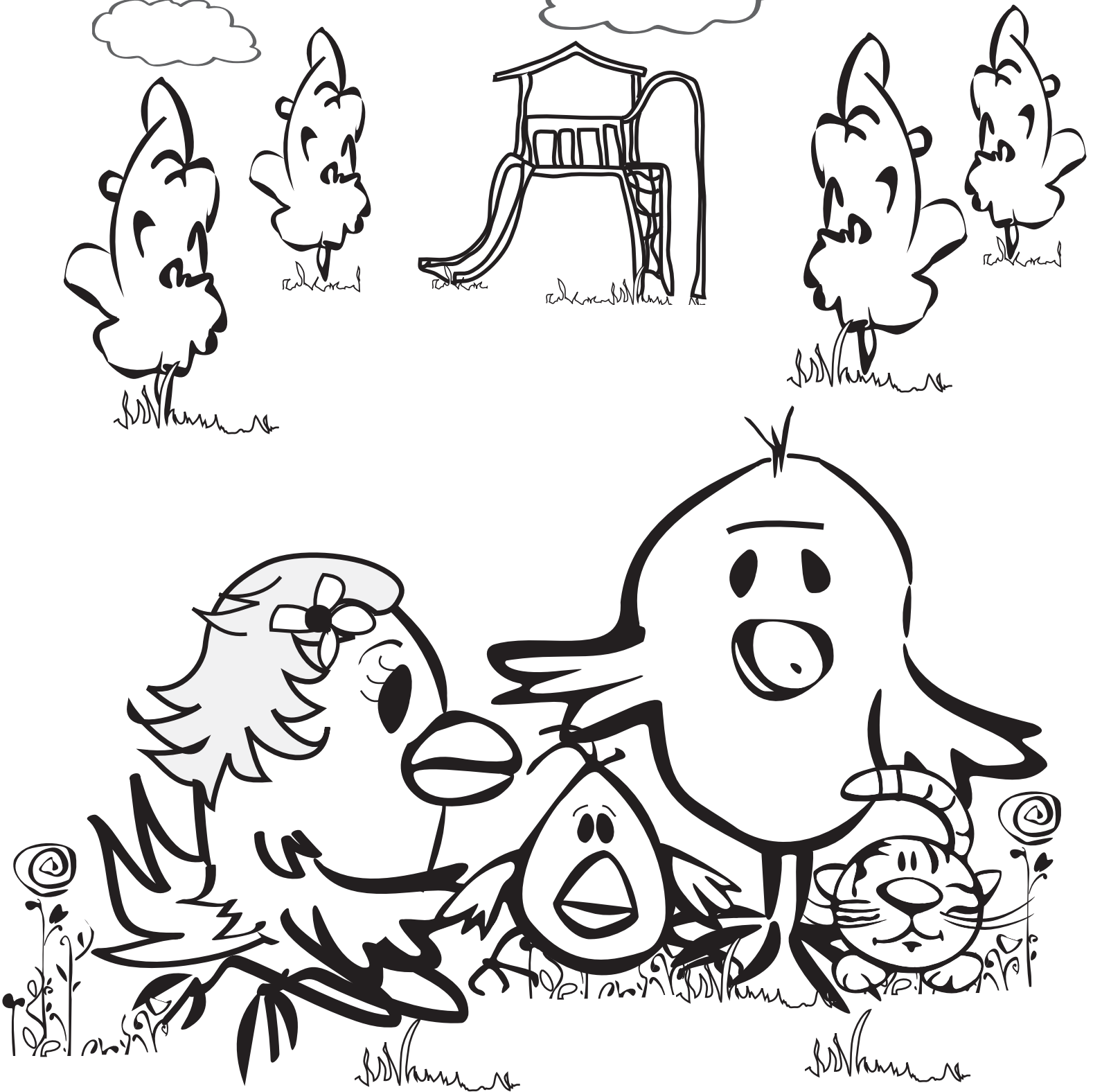
### **Something to Think About...**

*In order to cope and process emotions and experiences children need to have lots of opportunities to talk about their feelings and experiences. It has been found that children who are encouraged to talk about their feelings feel better about themselves as adults than children who are not provided with the opportunity. Children need to be listened to and acknowledged.*

– Supporting your Children during and after Separation: [www.dadsrus.co.uk](http://www.dadsrus.co.uk)



# Talking



Parents can help kids understand changes that happen to a family without blaming one another.

When couples are separating or divorcing the prospect of ongoing interaction with each other might be less than appealing. When couples have children, however, it is not only desirable but important and unavoidable. Children continue to need both parents in their life.

It is important for parents to find strategies to improve communication, facilitate access and be able to take stock of both their own emotions and the feelings and reactions of others who are impacted by the separation or divorce. Paying attention to the above issues can help ensure that the particulars of any parenting plan that is developed can meet the needs of the child. There are many different types of parenting plans that can be tailored to meet the unique challenges that each family is dealing with.

Bitter, lengthy disputes can have a negative impact on children's well being and sense of security. Some family professionals suggest that it may be easier to reduce conflict after separation and divorce if parents focus on separating their parental roles from conflict between the spouses. Maintaining a healthy relationship between parents after separation and divorce may be easier if both work towards meeting common parenting goals. And having this support from both parents can help children face the challenges that come with separation and divorce.

Parents have a right to be kept informed about important decisions in a child's life, even when the child doesn't live with them. Unless a court decides not to allow it, either parent has a right to ask questions and get answers about matters concerning their child's health, education and wellbeing.

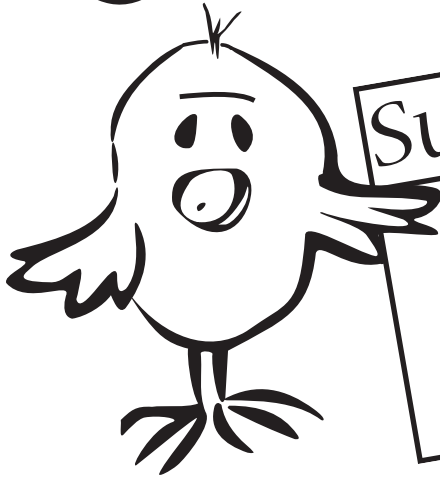
### **Something to Talk About...**




*Children benefit greatly from seeing their parents cooperate. Research shows that if parents communicate in a cooperative manner children adjust much better to the separation... They must not be put in the middle of their parents' arguments and/or fights as this can be damaging. Cooperative ways of communicating means that parents are more likely to agree upon routines regarding children's day-to-day life. This can be very beneficial for children. Routines can be useful in ensuring children feel safe and secure and allows children to develop to their full potential. Children benefit from feeling that the world is a reliable place.*



– Supporting your Children during and after Separation: [www.dadsrus.co.uk](http://www.dadsrus.co.uk)

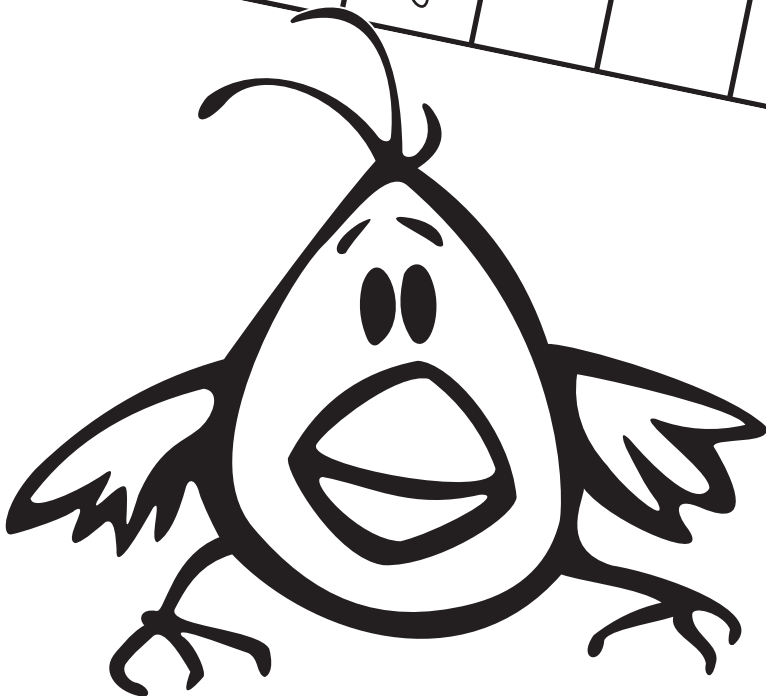


# Cooperation



Su	M	T	W	Th	F	S
	Plan Summer Holidays 		Science Fair	Pick up kids after school	Pizza & a Movie 	B's Party® 3 p.m. 

Su	M	T	W	Th	F	S
Pick up kids at 7 p.m.	Call Dentist for B 		Science Fair	Kids to D's after school	Meeting at 8 p.m.	B's Party at 3 p.m. 



Parents need to remember what is best for their kids and not argue or fight over them.

Article 13 of the UN's *Convention on the Rights of the Child* states that children have the right to get and share information, as long as it is not damaging to them or others. The right to freedom of expression is a cornerstone of human rights laws around the world and the *Convention on the Rights of the Child* specifically extends this right to children. Even though children may need direction and guidance from their parents or guardians to exercise this right doesn't take away from the right itself.

The recognition of a right always includes a balancing act with competing rights. Working it out means finding ways to protect both the rights of the child and those of the family. Generally speaking a child's right to express themselves and receive information results in a duty for parents to respect their child's opinions and provide direction to allow the child to exercise their rights in a manner that is consistent with the capacity of the child. But the Convention as a whole recognizes that parents are primarily responsible for the child's upbringing and making decisions that are in the child's best interest.

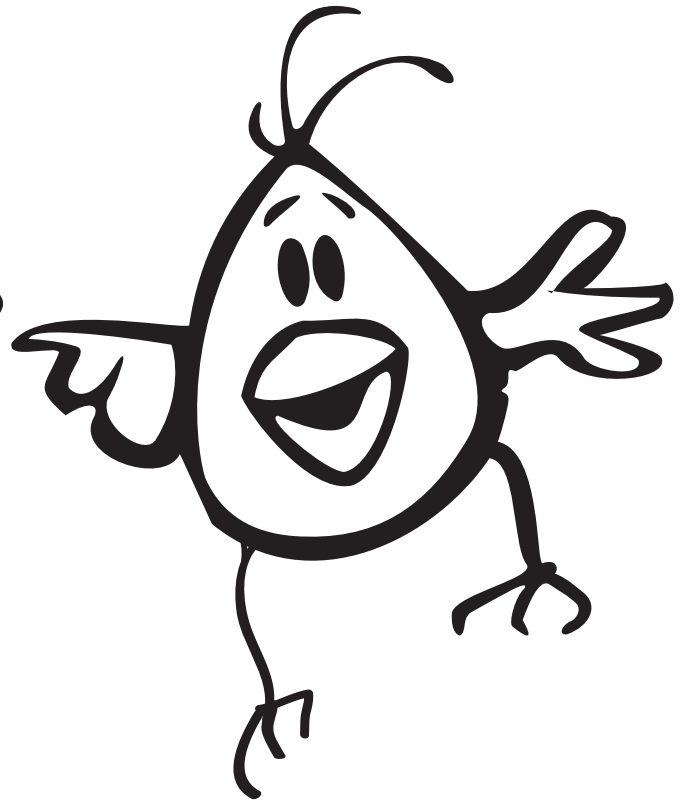
Family professionals generally stress that the child's age, maturity level and individual personality is the best guide for determining the level of detail required to answer questions they may have. It is important to stress that providing children with opportunities to share information about their changing family situation does not mean forgetting that children are still children. Much of the backdrop to separation and divorce is usually best left between adults. It is important that parents resist the urge to share all of their concerns and worries with their child – parents need to remember who is the parent and who is the child in the relationship and act accordingly.

Having said that, involving children in the process surrounding separation and divorce – to the extent possible given their age and maturity – may help them to adjust to their changing family situation and meet their needs. Listening to the child's concerns, responding to their feelings and providing answers to their questions can provide them with a sense of safety and support. Talking openly about their changing family provides endless opportunities to provide reassurance that, no matter what, children can continue to have happy, healthy and loving relationships with both parents. There are a few things that parents and others close to the child can keep in mind to help honour the child's need to have their questions answered...

- Create an environment where the child feels safe and talking is encouraged.
- Be truthful in the information you share but careful not to provide more information than they need.
- Be positive and respectful – children will take their cues from trusted adults.
- Assure them that a separation or divorce will never change the parent's love for the child.
- Don't ask the child to take sides.
- Be patient and respectful – children may need to hear the same message repeatedly in order to process it.
- Don't talk negatively about the other parent.
- Don't try and change the subject or avoid the conversation altogether.

Because some children may be uncomfortable sharing their true feelings with their parents, maybe for fear of hurting or angering one of them, it may be helpful to enlist the help of a friend, teacher, relative, family counsellor or other professional.

# Working It Out



Kids can talk to their parents about stuff they are worried about and ask for answers to questions that they have.



Article 9 of the UN *Convention on the Rights of the Child* states broadly that children should not be separated from their parents, unless required for their own safety and wellbeing. In the case of separation or divorce, where a child's primary residence must be determined because the parents are no longer living together, such a determination must be made in accordance with applicable laws and procedures. The Convention specifically states that children have a right to stay in contact with both parents after separation or divorce, unless it would be harmful to do so. This sentiment is reflected in both provincial and federal laws dealing with families, separation and divorce.

The maximum contact principle applies to decisions about custody and to decisions about access; in fact it must be considered in all parenting decisions. It is the one factor that is singled out which courts must consider when determining new parenting arrangements. It is important to note that the maximum contact principle is limited by the best interests of the child. This means that if contact conflicts with the best interests of the child, such contact may be restricted, but only to the extent that it is contrary to the child's best interests.

While the term *best interest of the child* is not precisely defined, courts have made some general statements that indicate that the best interests of the child are served by...

- being safe from physical, psychological and emotional harm
- having their ordinary and special needs addressed as well as possible
- being nurtured with a view to maximizing their potential

The courts have also recognized that younger children may need more frequent bonding opportunities and the wishes of older children should be taken into account.

Even in cases involving sole custody, courts will be guided by the belief that the child should have as much contact with both parents as is consistent with their best interests. When one parent seeks custody of a child the court must consider that parent's willingness to facilitate access between the child and the other parent.

And while the courts recognize a parental and legal duty to facilitate access, they are also mindful that any ongoing conflict between parents which adversely affects the child must be minimized or avoided. In support of this, and as previously discussed, courts have noted that parental conflict is the single factor which has consistently proven to be severely detrimental to children upon separation or divorce. Finding ways to facilitate comfortable, non-confrontational access is key.

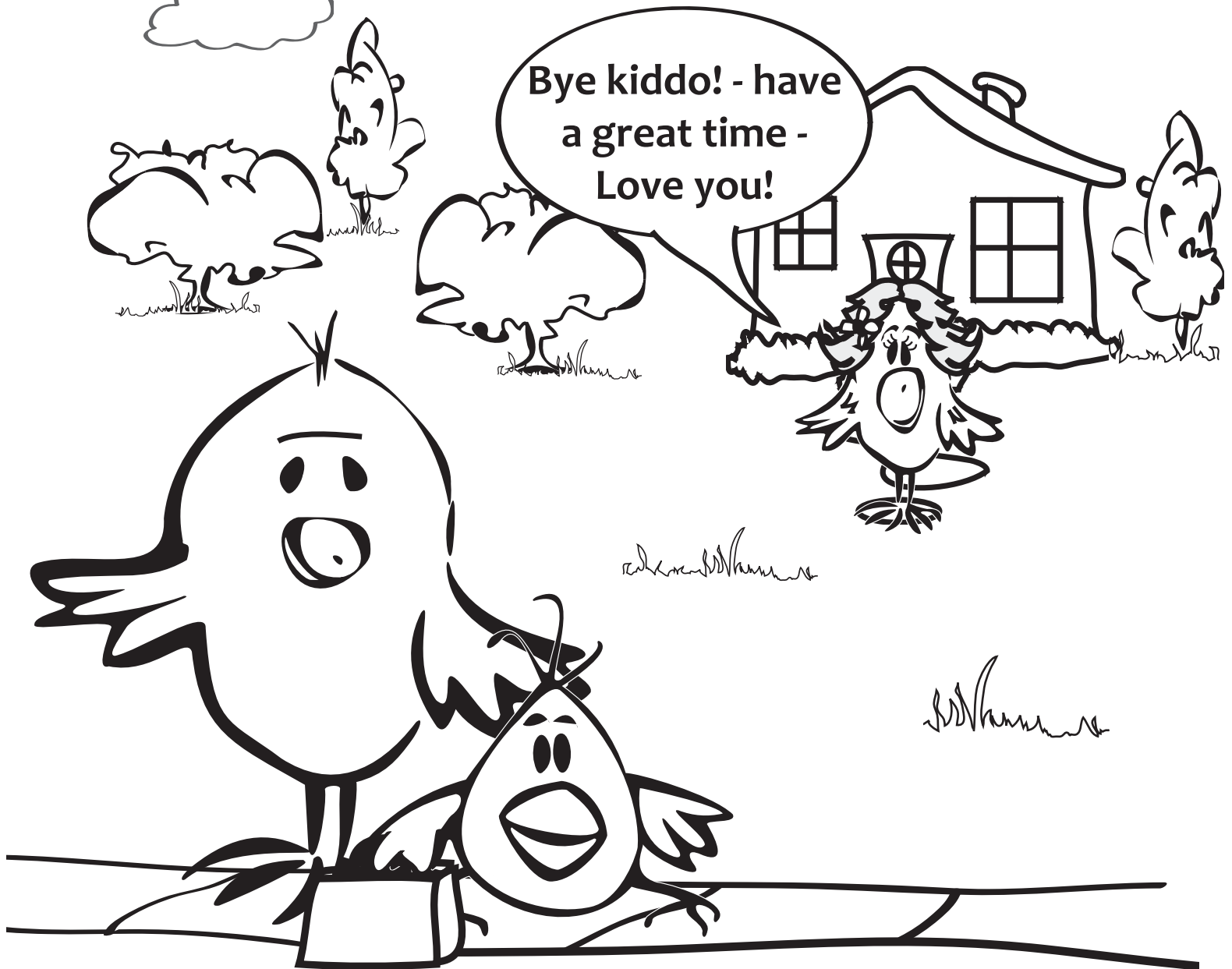
### Something to Think About...

Here are just a few tips to help encourage an ongoing relationship after separation and divorce...

- Remember that both parents can provide children with positive role models for different aspects of their lives.
- It may be helpful to separate the other person's role as spouse from that of parent in order to see the positive in the relationship.
- Remember that the child has a shared history with both parents and should be able to have a shared present and future with both.
- Provide meaningful opportunities for the other parent to stay involved in the child's life.
- Find ways to minimize conflict and include the child in the parenting plan.



# Being Together



Even if they live apart, parents need to try to make sure that their kids will still be able to spend time with each of them.

Even under the best of circumstances, parenting can be challenging. When parents separate or divorce, disagreements over parenting issues can be even more difficult to resolve. Information about the law and parental rights and obligations can help reduce parental conflict. Understanding the importance of a child's continued relationship with both parents and learning to be aware of children's experiences through the process of separation and divorce can also help. Equally important is for parents themselves to find ways to deal with their own reactions and emotions surrounding the separation or divorce in order to allow them to focus on the best interests of the child and give them what they need to succeed.

Even if conflict remains, there are options to consider that may lessen or resolve parental conflict. Parenting before, during and after separation or divorce takes time, effort and commitment. Fortunately, there are laws, community resources and government programs and services to provide guidance and support.

### So, Let's Re-Cap...

Throughout this resource there are several re-occurring and overlapping themes. It may be useful to re-word them into a list that captures the highlights and helps to convey the main messages.

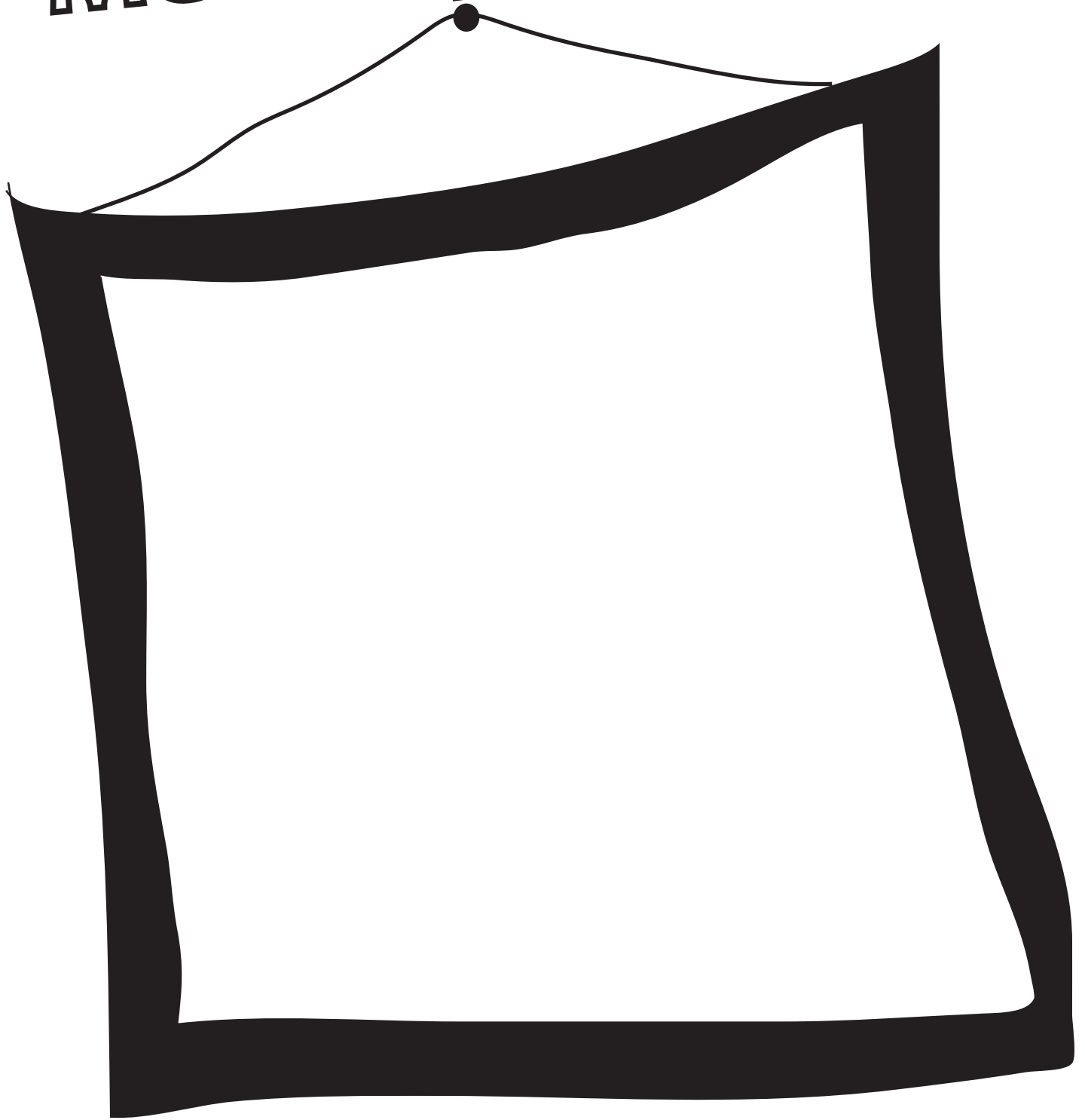
- **Reinforce** that you are still a family, no matter what.
- **Rights** and **responsibilities** go hand-in-hand.
- **Respond** to your child's needs and be **receptive** to their ideas.
- **Realize** that different parenting styles are not necessarily bad.
- **Respect** the relationship your child has with both parents.
- **Reduce** conflict and focus on the best interest of the child.
- **Refrain** from making negative comments about your child's other parent.
- **Recognize** the signs that let you know how your child is adjusting.
- **Re-invent** your **relationship** as parents, not spouses.
- **Reassure** your child with an open and loving environment.
- **Remember** that there are educational **resources**, community support and legal **remedies** to deal with issues of separation and divorce.

You may want to have your child identify the key messages that they take away from the resource and have them re-frame them in language more meaningful to them.

### Something to Do...

PLEA is hosting a *Me and My Family* online gallery and you can take part! Scan children's *Me and My Family* pictures and email them to [plea@plea.org](mailto:plea@plea.org) or copy this page and send us a hard copy. Original works cannot be returned. To respect privacy, last names will not be posted. Art work may be submitted anonymously or may include information such as first names, initials, age, grade or school.

# Me & My Family



**And no matter where a child lives, parents can still be there to take care of their needs and love them, no matter what.**

**Draw a picture of your family.**

# Resources

## Abuse Help Lines

Found in the front of SaskTel's Telephone Directory, the Abuse Help Lines page provides information about abuse and contact information for helping agencies and transition houses.

Phone: 306-522-3515

Email: [paths@sasktel.net](mailto:paths@sasktel.net)

## Collaborative Lawyers of Saskatchewan Inc.

Provides information about the collaborative law process, answers to frequently asked questions and tools designed to help you find a collaborative professional in your area.

Toll-free: 1-866-347-8545

Email: [info@collabsask.com](mailto:info@collabsask.com)

## Conflict Resolution Saskatchewan

Provincial organization that can provide information to help you choose a mediator as well as listings for mediators throughout the province.

Toll-free: 1-866-565-3938

Email: [admin@conflictresolution.sk.ca](mailto:admin@conflictresolution.sk.ca)

## Custody and Access to Children

The Supervised Access/Exchange Program is a service facilitated by social workers and trained observers. They provide the services necessary to ensure that children have access to their non-custodial parent in a safe setting.

Phone: 306-787-9416 (Regina)

Phone: 306-933-5535 (Saskatoon)

# Resources

## **Custody and Parenting, Family Law – Department of Justice Canada**

Provides information on parenting after separation and divorce, including a parenting guide, an online calendar to help children keep track of special events in their lives, including times they are supposed to be with each parent, and resources written for children.

Toll-free: 1-888-373-2222

Email: [fcyinfofea@justice.gc.ca](mailto:fcyinfofea@justice.gc.ca)

## **Government of Canada – Federal Child Support Guidelines**

Provides information about the Child Support Guidelines, including tools to calculate income and child support amounts.

Toll-free: 1-888-373-2222

Email: [fcyinfofea@justice.gc.ca](mailto:fcyinfofea@justice.gc.ca)

## **FamiliesChange.ca**

Online resource for parents, kids and teens including interactive activities and guides.

## **Family Law Information Centre**

Provides legal information in the area of family law regardless of income at no cost. Self-help kits can be ordered that include the forms needed to take a family law case to court and some limited assistance in filling these forms out is provided as well. They do not provide legal advice.

Phone: 306-787-5837

Email: [svp@gov.sk.ca](mailto:svp@gov.sk.ca)

# Resources

## **Family Matters: Assisting Families through Separation and Divorce**

Provides information and resources to deal with a changing family situation and assistance to resolve urgent and outstanding issues.

Toll-free: 1-844-863-3408

Email: [familymatters@gov.sk.ca](mailto:familymatters@gov.sk.ca)

## **legalaidsk.ca**

Provides legal services to eligible individuals for family law matters including custody and access, child and spousal support, separation and divorce.

## **Maintenance Enforcement Office**

Provides services to individuals paying or receiving child support to simplify the process and use enforcement measures when necessary.

Phone: 306-787-9931 (Regina)

Toll-free: 1-866-247-7838

## **Parenting after Separation and Divorce Program**

In any family law proceeding (except for inter-jurisdictional support orders) in which custody, access or child support is an issue, the parents must take part in the Parenting after Separation and Divorce program.

Toll-free: 1-888-218-2822 (Regina Unit)

Toll-free: 1-877-964-5501 (Saskatoon Unit)

Email: [parented@gov.sk.ca](mailto:parented@gov.sk.ca)

# PLEA Resources

PLEA publishes several publications that deal with separation and divorce. All of PLEA's resources are available at no charge from [plea.org](http://plea.org).

PLEA's *ParentEdge* provides parents who are separating or divorcing with access to child-centred information to help them deal with a variety of family law issues. The resource aims to reinforce the fact that parental responsibilities continue despite changes to the family unit. A colourful, child-friendly poster provides opportunities for parents to hear their child's point of view and suggestions they might have for honouring the ideas expressed. It also provides opportunities for parents to offer reassurance that, no matter what, they will always be there to nurture, protect and provide for their children.

PLEA's Family Law Saskatchewan site is designed to help individuals in Saskatchewan who are facing separation and divorce without a lawyer. Individuals who have a lawyer may also find the information helpful. If the matter must go to court, the free Form Wizard will determine the required court forms and produce ready-to-file court forms using a plain language question and answer format. Email support is available to assist with form completion but not legal advice. Individuals needing legal advice should consult a lawyer.

## Other PLEA Publications

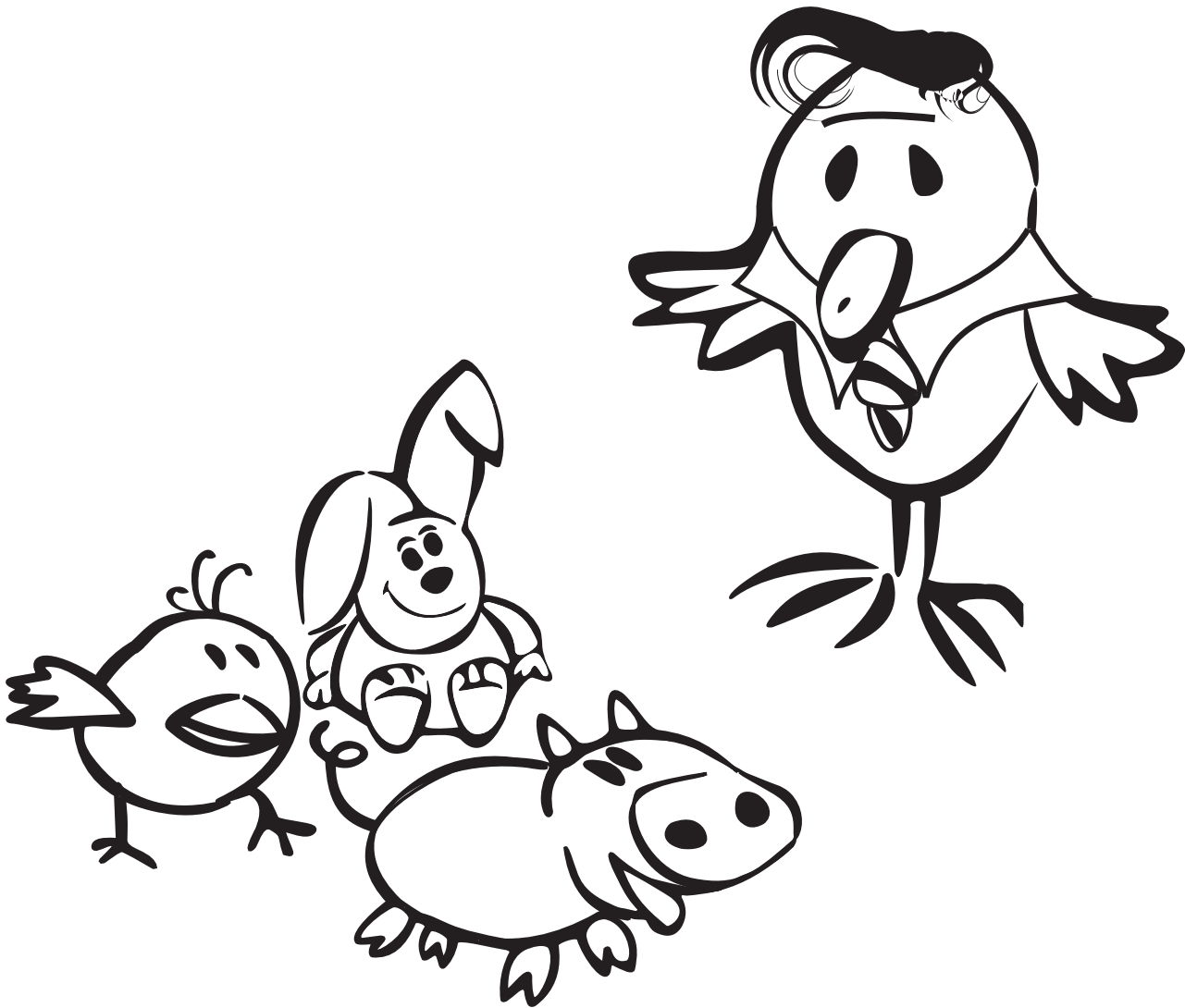
*Abusive Relationships*  
*Child and Spousal Support*  
*Custody and Access*  
*Changing Your Name*  
*When Couples Separate*

# Request a Speaker

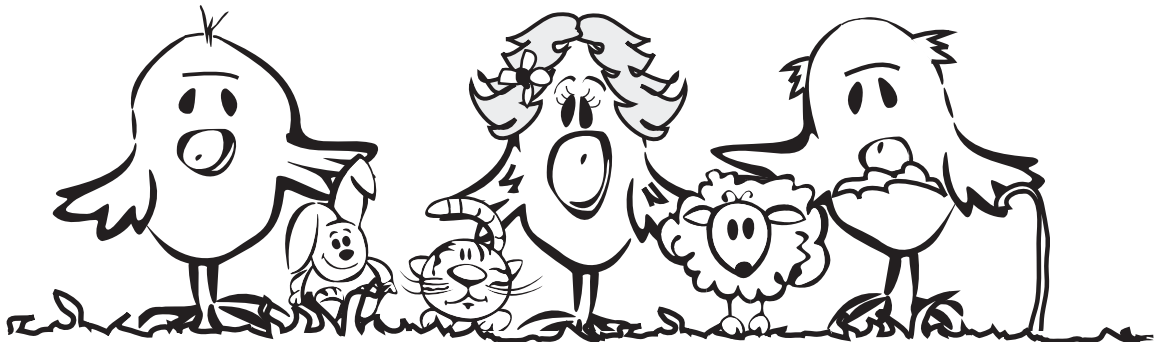
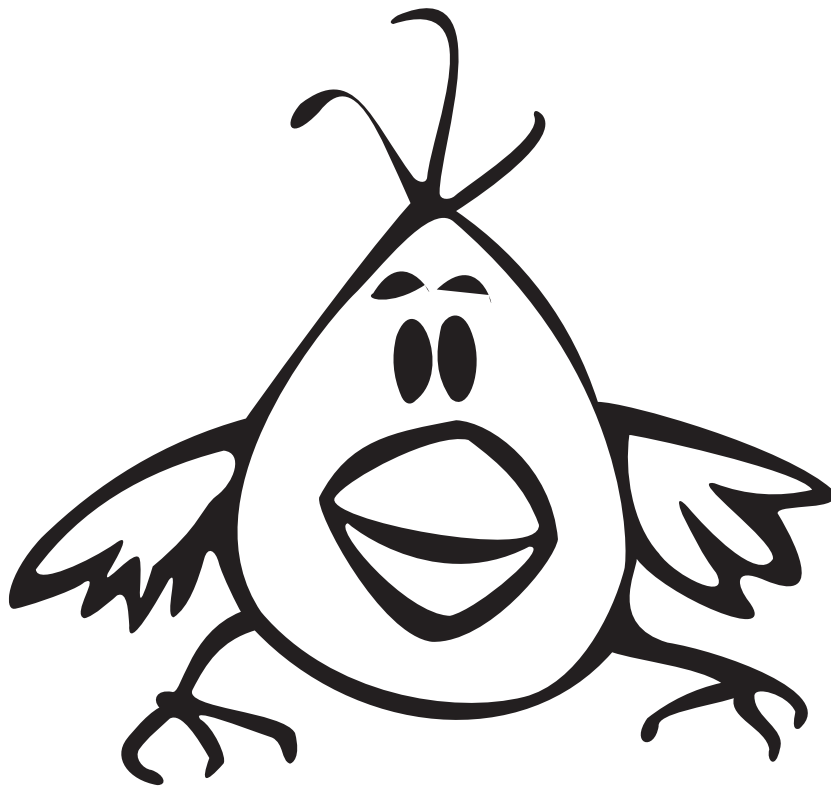
Do your students, staff, or community-based organization want to learn more about family law... or any other area of the law? Why not invite a lawyer to speak to your class or group.

PLEA's pool of volunteer lawyers can help make the law make sense.

Head to [plea.org](http://plea.org) and click on *Request Speaker* for more information.



# The End





[plea.org](http://plea.org)