

PARENTING

after separation

for your child's future



BRITISH
COLUMBIA

A Handbook for Parents

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

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Ministry of Attorney General



Developed by:
Law Courts Education Society of BC

Further copies of this booklet can be obtained by calling the toll-free Family Justice Information Line:
1-888-216-2211

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- **This workbook focuses on the needs of children when parents separate, and how you can help meet those needs.**
- **Your children need your love and support throughout the separation, which is a difficult time for them. They also need your love and support through the post-separation years, as your family adjusts to a new life.**

Introduction

1

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

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

This workbook builds on what you have already learned at the Parenting After Separation workshop. It provides more information about:

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

It also looks at:

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

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

■ Who this workbook is for

You may be:

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

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

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

■ Abuse and safety issues

If you feel your safety is at risk, or that the safety of your children is at risk, making sure you and your children are safe is the number one priority. All adults have the responsibility to protect children from being victims of abuse or witnessing ongoing violence.

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

If you are afraid for your own safety and that of your children contact a family justice counsellor, or call the Victim Information Line at 1-800-563-0808. They will refer you to services near you. You may need to talk to a lawyer. Page 39 of this workbook describes court orders you can get to protect you and your children.

The experience of separating for adults

2

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

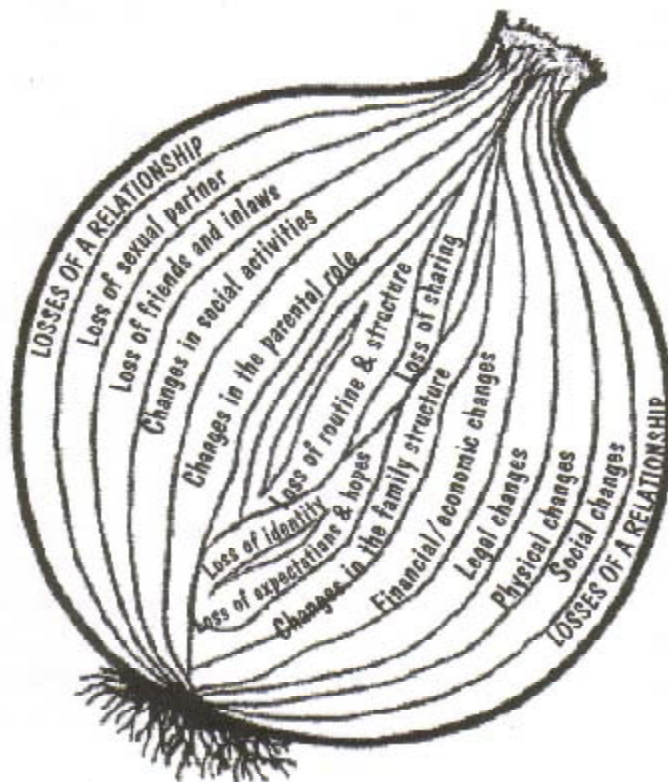
■ Separation: A process that occurs over time

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

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

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

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



On the emotional roller coaster?

Remind yourself:

- It is normal.
- It will not last forever.

Deciding to separate

The decision to separate is probably one you did not make rapidly or easily. Often couples try repeatedly to make the relationship work before deciding to end it.

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

Emotions of separating

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

You may feel sad, depressed, anxious, angry, happy, relieved, guilty, and ashamed. People who are separating say that they experience more than one emotion and that their emotions are unpredictable. You may feel happy and relieved in the morning, but angry and hurt in the afternoon. Most people say they feel shaky and vulnerable.

Feelings do not cause behaviour

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

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

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

Stages of separating

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

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

1. Shock

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

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

2. Anger

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

3. Transition

This is a period of confusion and mixed emotions. In this stage, we review the relationship and what went wrong. We may try to persuade our partner to come back. We may tell ourselves that if only we had done (or not done) certain things, the relationship would have continued.

People say they feel like they are on a roller coaster: one minute they feel relieved and certain; the next minute they feel sad and uncertain.

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

4. Acceptance

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

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

■ Tasks of separating for adults

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

1. Acknowledging the loss

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

2. Reclaiming yourself

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

3. Resolving anger/resentment

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

A note on anger:

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

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

4. Dealing with changes in your other relationships

There may be changes in the way you relate to friends you had as a couple, and in your extended family and your ex-spouse's extended family.

5. Dealing with your finances

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

6. Gaining new confidence, venturing forth again

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

7. Rebuilding

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

■ A time to plan where to go from here

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

Take a look at Worksheet #1, "Looking to the future: A self-assessment." It starts on page 9. This is a tool to help you focus. It gives you an opportunity to review your life and plan your goals. Plan to complete the worksheet in your own time.

It may help to know that you are not alone. In Canada over 40 per cent of all families experience separation. See Worksheet #5 on page 48 for some of the ways other parents have learned to cope.

Worksheet #1

Looking to the Future: A Self-Assessment

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

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

WHO I WAS

How did I see myself in the relationship?

- Did I rely on my partner to tell me who I was?
- Did I do too many things for his or her approval?

What I have learned from the experience:

1. _____
2. _____
3. _____
4. _____
5. _____

WHERE I AM NOW

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

Think about the tasks of separating, outlined on pages 7 and 8. Then reflect on where you are in the process of working through these tasks.

Where I am with:

Acknowledging the loss _____

Reclaiming myself _____

Resolving my anger/resentment _____

Dealing with changes in my other relationships _____

Dealing with my finances _____

Gaining new confidence, venturing forth again _____

Rebuilding _____

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

I CAN: _____

WHO I WISH TO BE

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

What are my values? _____

How do I see myself growing? _____

CONTRACT WITH MYSELF

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

The experience of separating for children

How will this affect my children?

One of the most difficult questions we have when we decided to separate is, “How will this affect my children?”

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

■ What children often experience

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

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

- Stage 1: Denial. Mom and Dad will get back together again.
- Stage 2: Anger. How can you do this to me? You betrayed me. If you really loved me you would stay together.
- Stage 3: Bargaining. If I am really good maybe you will get back together again.
- Stage 4: Depression. I feel empty inside and nothing can make it go away.
- Stage 5: Acceptance. Mom and Dad are not going to get back together. It’s okay that my friends know my parents aren’t together any more.

*Stage 1
Denial & Isolation*

*Stage 2
Anger*

*Stage 3
Bargaining*

*Stage 4
Depression*

*Stage 5
Acceptance*

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

Children’s worst fears

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

■ What children most want to know

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

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

■ How children often respond

In general:

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

You can use the following checklist to understand what to expect from your child and her/his responses to your separation. You may wish to check off the “No problem” or “Problem” box. When you have completed the assessment, you may wish to complete Worksheet #2, “Focusing on my child,” on page 21.

A. Infants (0-18 months)

Issues

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

What to watch for

	Problem	No Problem
• sleeping changes	<input type="checkbox"/>	<input type="checkbox"/>
• eating changes	<input type="checkbox"/>	<input type="checkbox"/>
• clingy behaviour/difficulty separating	<input type="checkbox"/>	<input type="checkbox"/>

What you can do to help

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

B. Toddlers (18 months - 3 years)

Issues

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

What to watch for

	Problem	No Problem
• increased crying	<input type="checkbox"/>	<input type="checkbox"/>
• trouble getting to sleep/nightmares	<input type="checkbox"/>	<input type="checkbox"/>
• demanding to be fed by parent instead of feeding self	<input type="checkbox"/>	<input type="checkbox"/>
• changes in toilet habits	<input type="checkbox"/>	<input type="checkbox"/>
• increased anger (temper tantrums, hitting, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
• clinging to adults or security objects	<input type="checkbox"/>	<input type="checkbox"/>

What you can do to help

- give love and affection
- provide verbal assurances (Mom and Dad both say, “I love you”)
- maintain consistency of people and routines
- reassure the child that he or she will be cared for
- provide clear and concrete explanation of changes
- provide opportunities for the child to express feelings through words or play
- avoid angry expressions or emotional outbursts in front of the child
- don’t fight in front of the child

C. Pre-schoolers (3-5 years)***Issues***

- fear of being abandoned/rejected
- doubts he/she is loveable (did Mommy/Daddy leave because I’m not good enough?)
- blame themselves for what happened (did I cause this because I was bad?)

What to watch for

	Problem	No Problem
• regression in sleeping/eating/talking	<input type="checkbox"/>	<input type="checkbox"/>
• clingy behaviour/difficulty with separation	<input type="checkbox"/>	<input type="checkbox"/>
• increased anger	<input type="checkbox"/>	<input type="checkbox"/>
• increased passivity (over-compliance)	<input type="checkbox"/>	<input type="checkbox"/>

What you can do to help

- give love and affection
- provide verbal assurances (Mom and Dad both say, “I love you”)
- maintain consistency of people and routines
- reassure the child that he or she will be cared for
- provide clear and concrete explanation of changes
- provide opportunities for the child to express feelings through words or play
- avoid angry expressions or emotional outbursts in front of the child
- don’t fight in front of the child

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

- yearning for absent parent
- fantasies about parents getting back together
- loyalty conflicts
- concern about parent's well-being
- guilt that they are responsible for the separation

What to watch for

	Problem	No Problem
• sadness, grief, crying, sobbing, withdrawal	<input type="checkbox"/>	<input type="checkbox"/>
• fear of losing relationship with parent	<input type="checkbox"/>	<input type="checkbox"/>
• fear of losing order in their lives	<input type="checkbox"/>	<input type="checkbox"/>
• feelings of being deprived	<input type="checkbox"/>	<input type="checkbox"/>
• anger and increased aggressiveness	<input type="checkbox"/>	<input type="checkbox"/>
• difficulty playing and experiencing pleasure	<input type="checkbox"/>	<input type="checkbox"/>

What you can do to help

- provide verbal assurances (Mom and Dad will continue to take care of them)
- assure them they will continue to see both parents (if this is the case)
- give child permission to love other parent
- don't criticize the other parent to the child
- don't put the child "in the middle" (see "Games some parents play," page 23)

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

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

What to watch for

	Problem	No Problem
• physical complaints (headache, fatigue, stomach ache)	<input type="checkbox"/>	<input type="checkbox"/>
• intense anger, especially at parent they see as to blame	<input type="checkbox"/>	<input type="checkbox"/>
• alignment with one parent against the other	<input type="checkbox"/>	<input type="checkbox"/>
• difficulty with peers	<input type="checkbox"/>	<input type="checkbox"/>
• difficulty playing and experiencing pleasure	<input type="checkbox"/>	<input type="checkbox"/>

What you can do to help

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

F. Adolescents (13-18)**Issues**

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

What to watch for

	Problem	No Problem
• school problems: difficulty concentrating, fatigue, etc.	<input type="checkbox"/>	<input type="checkbox"/>
• acting out emotional distress through sex, drugs, crime	<input type="checkbox"/>	<input type="checkbox"/>
• internalizing emotional distress: depression	<input type="checkbox"/>	<input type="checkbox"/>
• anxiety over intimate relationships	<input type="checkbox"/>	<input type="checkbox"/>
• grief over loss of family and childhood	<input type="checkbox"/>	<input type="checkbox"/>
• becoming distant and aloof from family	<input type="checkbox"/>	<input type="checkbox"/>

What you can do to help

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

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

■ What children need to hear

Telling the children may be the most painful part of the entire separation process. Here are some statements you may find useful.

These are statements that parents might make together. If you are speaking to your children without the other parent, you can adapt them. Some of these statements may not fit if you have concerns about safety.

- We will continue to take care of you and provide for you and keep you safe.
- While our feelings for each other have changed, the special relationship we have with you as our child will go on forever. Feelings can change between adults, but never between parents and children.
- Your relationship with your sisters and brothers, grandparents, and other relatives will continue.

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

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

- You did not cause the separation. Nobody thinks you did.
- The separation was not an easy to decision to make. We put a lot of effort into making our relationship work, but we have decided that we can no longer live together as partners.
- When we began our relationship, we loved each other and hoped things would work out. We loved each other when you were born.
- We will honour your wishes but we will decide where you will live. You don't have to make that decision
- We are not going to ask you to take sides.
- You may wish we'd get back together again. Kids often wish for that, and it's a natural thing to want. But it's not going to happen. We have separated.
- We are very sorry for the hurt this decision is causing you.
- We will never stop loving you. Never.

■ What children do NOT need to hear

- The separation is the other parent's fault. I am the good guy and your other parent is the bad guy. (Do not say this even if you feel it.)
- Your Mom/Dad was having an affair /money problems/personality problems, etc. (Children do not need to hear the details of why you are separating; they are burdened by this information.)
- The other parent is selfish/unkind/incompetent/foolish. (You may have negative feelings about the other parent, but expressing these feeling to the children puts them in emotional conflict.)

■ How to tell the children

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

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

■ How parents can help children deal with the separation

1. Offer structure

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

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

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

Help children feel free to ask questions. Tell them about changes well ahead of time. Children want to know what is going on in their lives.

Encourage your children to be involved in school activities, sports, after-school programs, etc.

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

2. Encourage the expression of feeling and acknowledge it

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

3. Allow for grief

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

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

4. Offer reassurances

Your children need reassurance now more than ever. Children need to hear, over and over, that you love them unconditionally. You may want to explain to them that while the love adults have for one another can change, the love a parent has for a child can never change. Parent/child love is different from parent/parent love because a parent loves a child forever.

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

Assure your child that the separation was not his or her fault. Tell him or her it is okay to feel sad about the changes.

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

5. Set limits on behaviours

Children need limits. They need a stable, predictable environment with clear rules and a parent they can depend on to be predictable about the limits.

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

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

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

■ When to get professional help for your children

It is time to seek professional help when:

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

To get professional help, start by contacting some of the groups listed in the Resources section, page 46.

✓ Checklist: Best help for children of any age

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

- I reassure my children that this separation is not their fault.
- I do not talk negatively, or with anger, about my partner to my children. If I cannot talk positively, I limit what I say.
- I try to avoid arguing bitterly in front of my kids.
- I try to agree with the other parent about disciplinary matters at least in the presence of the children.
- I am making special efforts to maintain individual relations with each child.
- I assure my children that it is okay to love the absent parent.
- I do not compare my child to my ex-partner, even when the similarities are striking and painful to observe.
- I do not blame my children's anxieties, fears, and problems at this difficult time on the absent parent – either to the child or the absent parent.
- I am trying to help my children not to feel shame about the separation or divorce.
- I understand that separation or divorce does not make me a failure.
- I have let my children's teachers know about the change in my family's structure so they can help the children.
- I am not making too many changes in my children's life at once.
- I am allocating family chores so that they get done despite the absence of the other parent.
- I do not ask my child who she or he wants to live with or loves more – I do not ask either directly or indirectly.
- I am encouraging my children to resume their normal activities.
- I acknowledge my children's deep-seated wish for a reunited family without offering false hopes or angry denials.
- I am trying to maintain as much emotional control as I can so my children will not feel obligated to take on adult roles that are beyond them.
- I am not turning my child into my adult confidante.

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

■ Tips for children: How to survive your parents' fights

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

1. Understand that IT IS NOT YOUR FAULT. Your parents' arguments are not your fault. Don't feel guilty when your parents argue. It's not up to you to get them to stop.
2. DON'T TRY TO SOLVE YOUR PARENTS PROBLEMS. Don't take sides. If one parent asks your opinion or advice about the other parent, you might want to say, "I think I'd better stay out of this."
3. If you can, LEAVE THE ROOM WHEN YOUR PARENTS ARGUE. Do something that helps take your mind off it. Call up a friend, put on a CD or video, or get out of the house.
4. THESE EXPERIENCES ARE REALLY HARD ON EVERYONE. You're not crazy to feel the way you do.
5. DON'T KEEP YOUR FEELINGS INSIDE. Find someone you can trust and talk to them.
6. ASK YOUR PARENTS FOR WHAT YOU NEED
Examples:
 - Please spend some time alone with me, even five minutes of my very own time, not related to school, cleaning my room, or things like that.
 - Don't get angry when I say I want to live with my other parent. Usually when I say it, I am angry, hurt and scared, too. And I really miss my other parent.
 - Please let me tell you what I want about my visits with the other parent. Sometimes I'm afraid I'll hurt your feelings if I say I had a good time.
 - Please don't call me the man or the mother of the house. I need to be a child.
 - Please trust me if sometimes I don't want to talk. You may be ready to talk when I'm not.

REMEMBER: Life at home won't always be like this. Things will get better.

Worksheet #2

Focusing on My Child

You may wish to use this worksheet after you have completed the checklists (Problem/No problem) in the section “How children often respond,” on page 12. If you have identified problems, you can get help from the places listed in Resources on page 46.

1. How well is my child handling the issues that are mentioned for his or her age group?

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

3. I have identified the following possible problem areas:

- a. _____
- b. _____
- c. _____

I plan to do the following to help my child deal with these problems:

If I need more help to deal with the problems, I plan to ask for help from:

- a. _____
- b. _____
- c. _____

CONTRACT WITH MYSELF

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

4

Relating to the other parent

This chapter provides information about moving away from an intimate relationship with the other parent towards a more “businesslike” relationship focused on the children.

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

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

Where safety is not a problem, parents find that practising positive communication skills can help them talk with one another and with the children.

The first step in the transition is to rethink your roles. You need to separate your former role as partner (husband/wife) from your ongoing role as parent. This takes effort, but you can do it.

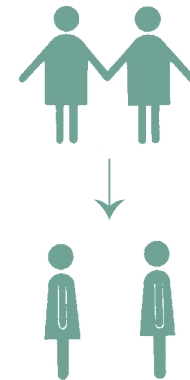
At one time, you and the other parent had an intimate relationship.

An *intimate relationship* includes:

- many assumptions
- many unwritten and unspoken expectations
- a lot of emotional and personal involvement
- a lot of sharing of personal experience
- not much privacy

A *businesslike relationship* includes:

- no assumptions
- explicit agreements or contracts
- formal courtesies, structured interactions, meetings, specific agendas
- very little sharing of personal experiences
- a lot of privacy



After the separation, you need to be able to communicate about the children without being stuck in the old battles. Confining your communications to child-related issues may feel strange at first, but in time it will feel more natural.

■ Games some parents play

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

These games are often a result of unresolved feelings of anger and hurt over the ending of the relationship. It is important to deal with your emotions and to make the transition to a new, "businesslike" way of communicating with the other parent.

Here are some common games parents play:

1. The nasty game

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

The focus here is on your relationship with your partner. The focus needs to be on your child's needs, not your feelings.

2. The messenger

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

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

3. The set-up

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

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

4. I spy

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

Children do not like being used, being asked to violate the trust of a parent, or bearing the anger of a parent upset with the information.

5. Don't worry/I wish

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

6. Disneyland parent

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

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

7. Party pooper

Criticizing the child's visit with the other parent. For example, the child has just returned from an outing to the zoo. The parent criticizes everything they did. The child ends up feeling bad about the day.

8. Put downs

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

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

■ Psychological tasks for dealing with the other parent, where safety issues are not involved

1. Accept the idea that while the relationship is ending, you will be parents forever. The family is not ending; it is being reorganized.
2. While you no longer share together as partners do, you do share love and mutual concern for your children. This is the new basis of your relationship.
3. You need to separate the children's needs and concerns from your own. Remember: your child does not experience your former partner in the way you do.
4. You need to create new boundaries in the relationship with your former partner. Build from the ground up. Do not assume old patterns. Create new ones.
5. Remember you need to think of and behave toward your former partner as your business partner in raising the children, rather than as your mate.
6. You need to focus on the strengths in your relationship – what you have done well together as parents – and build on those strengths.

See Worksheet #3 on page 27, "Practising positive communication skills." This worksheet can help you consider how to complete these tasks successfully.

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

Check off the tips you most want to work on.

- Keep all communications with your child's other parent brief, focused on child-related issues, and businesslike. If you cannot talk to each other, communicate in writing or use a family justice counsellor. Be clear and specific about what the problem is.
- Never communicate with the other parent through your child.
- Do not let relationship issues get into the discussion. If your former partner cannot keep old relationship disagreements out of the conversation, suggest resuming the discussion later.
- Do not fuel the other parent's anger. Remain calm and unemotional.
- State problems with possible suggestions for quick resolution.
- Be courteous and respectful of the other parent even if you feel he/she may not deserve it.
- Focus on the best interests of your children and their needs when you are discussing child-rearing problems and strategies with the other parent.
- Avoid blaming yourself or your ex-partner for what has happened in the relationship in the past. Stay in the present.
- Don't expect appreciation or praise from the other parent.
- Be careful to act like a guest when in the other parent's home. (It is very confusing to the children if you don't.)

■ Negotiating informally with the other parent

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

If you feel threatened by the other parent, be wary about informal negotiating. Consult a family justice counsellor, or a counsellor in private practice.

Guidelines for informal negotiation

1. Before you get together, gather all your information and facts. Be clear about what child-related issues you want to discuss.
2. Choose a neutral place and a time when you can talk without inter-

3. Decide together on rules for how you will talk together respectfully. For example, you may both agree you are going to stop the meeting if either of you starts blaming the other for the separation. Some other suggestions are that you will not interrupt each other or raise your voice.
4. Speak clearly about what it is you want to negotiate. Ask the other person for their point of view. Stay focused on the topic. Try not to bring up past faults and problems.
5. Listen carefully to what the other person has to say. Ask for clarification if you don't understand the other person's point of view.
6. Look at solutions together and present your solutions as suggestions rather than demands.
7. Make sure both of you agree about what solution you have arrived at. Specify who will do what, when, and where. For example, if the issue is about when the other parent will spend time with the children, you need to have a plan about how the transfer will take place, and what time the children will go and return.
8. Determine if you need to meet again to review how the agreement is working.
9. At the end of the meeting, give positive comments such as, "I feel better about this," and "I'm glad we were able to work it out together."

■ Pitfalls to watch for in informal negotiations

Blaming:	It's all your fault.
Discounting:	That's ridiculous. It makes no sense.
Awfulizing:	I'll live in poverty forever.
Judging:	That is selfish of you.
Psychologizing:	You don't really want the kids. You just want to get even with me.
Ultimatums:	Either you do or I won't.
Shaming:	You were the one who had the affair and broke up the family.
Lecturing:	It's going to be done this way because. . .
Threatening:	We just let the judge decide.
Being a victim:	I have always done everything and now I have nothing.
Cutting off:	Tell your lawyer to call my lawyer.
Shoulds:	You should want to do more.
Labelling:	You're such a jerk.
Staying negative:	
Parent A:	You are overprotective with the children.
Parent B:	At least I don't scare them half to death.

Practising Positive Communication Skills

This activity gives you an opportunity to practise your positive communication skills. Even in difficult situations, you can use your positive communication skills to handle conflict responsibly.

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

Situation #1

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

Negative response:

I tell the kids what a lousy parent he is.

Positive responses:

I deal directly with him about his behaviour. In a calm voice, I tell him that the children need to eat balanced meals and go to bed at their regular times. I discuss possible solutions to the problem with him, such as planning meals and shopping ahead.

Situation #2

I discover my ex-spouse has been asking my 12-year-old son for information about my new girlfriend.

Negative response:

I tell my son to get some “dirt” on his mother’s social life.

Positive response:

I tell my son that he can ask his mother not to put him in this situation.

I listen to how my son may be feeling.

I speak with my ex-spouse directly about the problem.

2. Try your skills at providing positive responses to the conflict situation in the following scenario.

Maria, Joe and daughter Lee

Maria and Joe separated eighteen months ago. They have a daughter, Lee. Yesterday, Joe brought Lee back four hours late from a weekend access visit.

Joe claims they were late because they got stuck in traffic on the freeway. But Lee has told Maria that they were late because Joe’s new girlfriend came over and made dinner.

Now Maria is on the phone at the kitchen table. Maria is crying and yelling over the phone at Joe, calling him a damn liar.

Lee is sitting at the table “listening” to her mother.

How do you imagine Lee feels right now?

If you were Maria, how would you respond to Joe's unacceptable behaviour?

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

List some possible positive responses to the problem:

Resolving the legal issues

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

- Who will the children live with?
- Who will make decisions about the child's education, religion, and health issues?
- If the children don't live with me, when will I see them and what role will I play in their lives?
- What arrangements do we make about child support?

■ In the best interests of the child

Decisions about children must always be made on the basis of one very important legal principle: *What is in the best interests of the child?*

In most cases, it is in the child's best interests to have a close and ongoing relationship with both parents. However, in cases of violence against a parent and/or children, this may not be in the best interests of the child.

Children often feel that the break-up is their fault. When only one of the parents is involved in the child's life after separation, the child's self-image may suffer.

Children tend to believe that the other parent isn't involved because he or she is no longer interested in them. Children often conclude this must mean they are not good, or important, or worthy of attention and love.

When it is possible for both parents to maintain a close relationship with their child, the advantages are numerous. For example, having both parents involved:

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

■ Parenting arrangements

When the law talks about who will take care of a child after separation, and how that care will be organized, it uses the terms *custody*, *guardianship*, and *access*. When it talks about paying for the child's needs, it refers to *child support* and the Child Support Guidelines.

Custody, guardianship, and access are legal terms for the parenting arrangements. These terms are fast becoming outdated. More and more often, parents do not sit down to discuss custody, guardianship and access. Instead, they ask, What are the best arrangements we can make to parent our children?

Custody

When parents live together, each parent has custody of the child. When parents separate, the parent who lives with the child has custody of the child. That parent has the responsibility to care for the child on a day-to-day basis.

A parent who is separated can have sole custody or joint custody. Under *sole custody*, the child lives with one parent only. Under *joint custody* or *shared custody* the physical arrangements may vary. The child may live one week with the mother and one week with the father, or may have a primary residence with either parent. Joint custody allows input from both parents as to how the child should be raised.

Some parents see custody as a term of ownership. For example, "I have custody of our children and you don't." The suggestion is that the parent who does not have custody is not as good a parent. This type of thinking may stand in the way of doing what is best for the child.

Guardianship

This refers to the major decisions, such as deciding about such things as the child's education, religious upbringing, medical/dental care, and managing the child's property (if he or she has any).

When parents live together, each parent is the child's legal guardian. When parents separate, they need to decide what guardianship arrangements will be best for the child. For example, one parent may have sole custody but both parents share *joint guardianship*. This usually means that if the parent with custody dies or becomes unable to care for the child, the other parent becomes the child's *sole guardian*. Or parents may agree to have joint guardianship as well as joint custody.

Access

This is the child's right to spend time with the other parent. It is also the other parent's right to spend time with the child. When a child lives with one parent, the other parent almost always has "access."

Other adults who have a relationship with the child may also have access. For example, a grandparent could have access.

Sometimes an agreement or order says that the parent who does not have the children living with them should have *reasonable* or *generous* access. This leaves it up to the parents (and the children, when they are older) to

arrange the visiting times. In other cases, the agreement or order says specifically when the visiting parent may see the child and for how long. This is called *specified* access.

Note: Some people find that “reasonable or generous” access is too vague and leads to conflict between the parents. You may wish to be quite specific about the access arrangements. Think about this before you finalize your arrangements.

Access is not tied to child support

Sometimes the parent who has custody will use it as a weapon. “If you don’t get those child support payments in on time I won’t let you see the kids!”

When access visits stop, the child may feel that the other parent has lost interest because the child is bad or unimportant. The child may feel guilty and his/her self-image may be damaged.

From a legal point of view, there is no link between the child’s right to see both parents and the paying parent’s obligation to make regular child support payments.

■ Child support

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

Child support is the right of the child, not the parent who has custody of the child. Children in B.C. are entitled to support if they are:

- under 19; or
- over 19, but still require support because of illness, disability, or other cause (going to school, for example).

■ Child Support Guidelines

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

The Child Support Guidelines are designed:

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

How do you determine the amount of child support?

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

The Guidelines take into account what the custody arrangements are. For example, if the paying parent has the child in his or her care at least 40 per cent of the time, the table amounts do not automatically apply. There are also special arrangements where, for example, one child lives with the mother and another child lives with the father.

When can table amounts be adjusted?

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

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

Income tax rules

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

- Parents who pay child support do not deduct the child support from their income.
- Parents who receive child support do not declare it as income.

There are different rules for child support orders made before May 1, 1997. You can get more information from the resources listed at the end of this workbook and from Revenue Canada at 1-800-959-8281.

If you are on income assistance

If you are applying for B.C. Benefits or are already receiving them, you must sign a form that gives the Ministry of Employment and Income Assistance (MEIA) the right to pursue child support. When you receive child support, MEIA will allow you to keep a certain amount of it in addition to your monthly cheque.

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

You can get detailed information about the Child Support Guidelines by calling the Child Support Infoline. The number is (604) 660-2192 in Vancouver. The toll-free number for the rest of B.C. is 1-888-216-2211.

Ask for these two free booklets:

- BC Child Support and the New Child Support Guidelines
- Federal Child Support Guidelines: a guide to the new approach

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

Call toll-free at 1-888-373-2222. To get the correct table, tell them:

- where the paying parent lives;
- whether both parents live in the same province or territory; and
- the number of children to be supported.

■ Developing a parenting plan

Parents who can continue to parent together often develop what is called a parenting plan. A parenting plan is a document that sets out the decisions you have made about caring for the children. For example, a parenting plan describes:

- how you will make decisions about the children
- how you will share information with the other parent
- how each parent will spend time with the children
- how you will resolve other parenting issues

You may wish to develop a parenting plan using Worksheet #4 on page 43. The Sample Parenting Plan on page 34 shows some typical parenting arrangements.

Issues to consider when you are making arrangements about the children

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

Week-to-week time arrangements

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

Time arrangements for holidays and special days

- School vacations
- Parents' vacations with and without children

Health care decisions

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

Education decisions

- Consultation between parents re: any change in school, special educational needs, tutoring, etc.
- Access to school records
- Attendance at parent-teacher conferences and school events

Religion

- Religious education and attendance at services

Grandparents and extended family

- Visits with the children, involvement with the children

Communication between parents

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

Changes in child care schedule

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

Resolving disagreements/changes about the parenting plan

- How to resolve disagreements
- How to modify arrangements as children's and parents' circumstances change
- What happens if one parent is going to relocate geographically

Sample Parenting Plan

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

Week-to-Week Time Arrangements

- a. We agree to spend blocks of time with our children. Each block of time will be _____ in length and will begin at 6:00 p.m. and continue until 6:00 p.m. on the return date. Our children will go to the other parent's home together. The parent picking up the children is responsible for their dinner.

Birthday Arrangements

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

Vacation Arrangements

- c. We will discuss with each other how to spend our respective vacation times with the children. We agree to give the other parent advance notice of planned vacation. If possible, we will give two weeks' notice.
- d. We agree to advise the other parent of the vacation details, e.g. places and telephone numbers where the children may be reached.

Medical Arrangements

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

■ How to decide on a parenting plan

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

1. You and your partner can reach an agreement
2. You and your partner can get help to come to an agreement by using mediation or conciliation (defined below)
3. You can get a lawyer to represent you in court

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

Power imbalance issues

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

Advantages of reaching an agreement

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

REACHING AN AGREEMENT vs. GOING TO COURT

Cooperative	Competitive
Narrows personal differences	Widens personal differences
Win/win emphasis	Win/lose emphasis
You decide	Judge decides
Usually takes less time	Usually takes more time
Not very expensive	May be expensive

■ Option #1: You and your partner can agree

If you and your partner can talk openly and agree about plans for the child, and there are no safety issues involved, you can develop a parenting plan together. You can use the negotiating tips in chapter 4, and the Parenting Plan Worksheet on page 43.

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

What is a written agreement?

A written agreement is a contract between you and your partner that says what you both have agreed to.

A written agreement can include all your decisions — about custody, guardianship and access, and about child support. It can also include your decisions about how you are going to divide the things you own, and whether one parent is going to contribute to the financial support of the other.

You and your partner can put whatever you want in an agreement. For example, the agreement can say who has custody, and what the access arrangements are. The child support must follow the Child Support Guidelines (see page 31). All of these decisions must be in the child's best interests.

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

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

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

Interim agreements

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

■ Option #2: You can get help to reach an agreement

Who can help

A. *Family justice counsellors*

Family justice counsellors are trained to deal with family problems. In many communities, family justice counsellors are available at family justice centres. Family justice centres offer a range of services related to separation. The services of a family justice counsellor are free to everyone.

A family justice counsellor can:

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

Note: Family justice counsellors do not deal with issues about assets and debts, or property.

A family justice counsellor can help you identify what issues you need to cover in a written agreement. They can go over the agreement with you to ensure you have covered everything.

If you wish to make your agreement into a consent order, you can have the agreement signed and witnessed by a family justice counsellor, who will arrange to have a judge review and sign it. It is then filed with the court. Through this process, your agreement becomes a “consent order.” You will not have to go to court.

B. Family mediators in private practice

Family mediators in private practice can help you work out an agreement, which you can then have a lawyer finalize. There will be a fee.

C. Lawyers

Lawyers who have special training in family law can:

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

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

Using a family mediator

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

Family mediators:

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

When family mediation may not be appropriate

Using a family mediator will not work if:

- one person does not want to mediate, or
- you are leaving an abusive relationship.

Who does family mediation

There are different kinds of mediators. Some of them have special training in helping couples reach a separation agreement. A family justice counsellor can provide mediation.

There are mediators in private practice. Some lawyers are also mediators.

Using conciliation

Conciliation is like mediation only you do not have to be in the same room as your ex-partner. The conciliator talks to you, then talks to your partner separately. You negotiate through the conciliator.

If you feel threatened by your former partner, or there is a power imbalance between the two of you, conciliation may be an option. A family justice counsellor can provide conciliation.

Choosing a family mediator or conciliator

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

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

You can use mediation or conciliation even if you are going to court

You can use a family mediator/conciliator and still be seeing a lawyer at the same time. People often use mediation or conciliation while they are proceeding with their court case. Many mediators like you to have a lawyer, so that when something is discussed in mediation you can check out the legal aspects of it at the same time. This makes it easier to come to an overall agreement. If you resolve the issues by using mediation or conciliation, you can settle the matter by a consent order and you usually do not have to go to court.

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

If you and your partner cannot agree, you may need to go to court and ask a judge to make a court order to deal with decisions about custody, guardianship, access, child support, assets, debts, and property issues.

It may be that you were willing to try mediation or conciliation, but your partner was not. If your spouse is violent, you may be using the court system to protect yourself and your children.

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

If you have little money and few assets, and you have serious legal problems, you may be able to get a lawyer on legal aid. Look in the white pages of your phone book under “Legal Aid - Legal Services Society.”

If your spouse is violent

If your spouse is violent towards you or your children, you can ask a judge for a court order to help protect you. Ask a family justice counsellor for information on how to get a court order, or call the Victim Information Line at 1-800-563-0808.

A **restraining order** says your partner has to stay away from you and your children. It is not a criminal charge. Usually you get a restraining order when you are resolving the other legal issues, such as custody and child support.

A **peace bond** says your partner has to behave well and “keep the peace” for up to 12 months. It is not a criminal charge. You can tell the police you want to apply for a peace bond, or you can go to provincial court to ask for one.

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

Which court do I go to?

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

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

Checklist: Choosing a lawyer

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

My lawyer:

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

How the judge decides

The law says that the judge must decide what custody and access arrangements would be in the “best interests of the child.” The judge considers:

- the ability of each parent to care for the child;
- the love, affection, and similar ties that exist between the child and each parent;
- the health and emotional well-being of the child (including how stable the child’s home situation is);
- education and training for the child; and
- the wishes of the child, especially if the child is over 12 years of age.

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

See page 31 for more information about the Child Support Guidelines.

■ Provincial Court: Family Case Conference

If you are seeking an order for custody, guardianship or access in Provincial Court, the court may require that you attend a Family Case Conference before you are given a court hearing.

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

What happens in a Family Case Conference

At the Family Case Conference, a judge will be present at a discussion around a table about what is best for the children. The judge may help you reach agreement or refer you to a mediator, a family justice counsellor or a parenting after separation course.

Many problems are resolved at the Family Case Conference and therefore do not have to go to hearing. A judge can make an order reflecting the agreement you reach at the Family Case Conference.

If a judge decides that the issues can only be settled by a judge at a hearing, the judge will arrange a hearing date and make orders to make sure the hearing is complete.

■ Changing court orders and agreements

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

If you have **an agreement**, you and your ex-partner can agree to change it. You can file your new agreement with the court.

If you need to change **a court order** (or if your ex-partner refuses to change an agreement) you have to go to court. You need to explain to the judge why you want to change the order.

If you got the order in Supreme Court, you have to go back to Supreme Court to change it. If you got it in Provincial Court, you can go to either Provincial Court or Supreme Court.

■ Enforcing court orders

Child support

What happens if you have a court order for child support but your ex-partner never pays?

In this case, you can enroll in the B.C. Family Maintenance Enforcement Program (FMEP). FMEP monitors payments and takes action to collect outstanding debts. For information, call the Central Enrolment Unit at (250) 356-8889 in Victoria, or toll free at 1-800-663-7616 (from anywhere in B.C.). They will give you the phone number of the office near you.

Parenting arrangements: custody and access

What can you do if the parent who has custody won't allow the parent with access to see the kids? Or the parent who has access does not return the children after an access visit?

You may be able to resolve these issues by contacting a family justice counsellor or a lawyer.

If the family justice counsellor or lawyer is unable to assist you to reach a solution, you have to go to court and get a court order. In some situations you may be able to get legal aid. Look in the white pages of the phone book under "Legal Aid - Legal Services Society."

Parenting Plan Worksheet

This Parenting Plan Worksheet can help you and the other parent spell out the details of how you are going to parent. The Sample Parenting Plan on page 34 gives you an idea of what parents typically put in a parenting plan.

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

1. Parenting goals

- a. _____
- b. _____
- c. _____

2. Communication ground rules

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

3. Time-sharing arrangements (list all options)

- a. Monthly schedule _____

- b. Vacation times _____

- c. Holiday _____

- d. Special days (birthdays, parents' birthdays) _____

- e. Special occasions (weddings, funerals, graduations) _____

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

- g. Grandparent time-sharing arrangements _____

- h. Other extended family time-sharing, if any _____

4. Transportation details

- a. Transportation responsibilities, exchange times and places _____

- b. Special instructions or restrictions _____

5. Telephone schedule

- a. When children are with Mom _____

- b. When children are with Dad _____

6. Long-distance parenting arrangements

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

- a. Yearly time-sharing schedule _____

- b. Transportation details (including allocation of transportation costs)

- c. How information will be shared _____

7. Procedures for making decisions

a. How should major decisions be made and by whom (education, day care, medical and dental, therapy)?

b. How will disagreements be resolved? _____

8. Procedure for sharing information

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

b. Extracurricular activities _____

c. Health-related information (illnesses, prescriptions, check-ups, therapy sessions, etc.)

d. Community and special events _____

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

a. _____

b. _____

c. _____

d. _____

10. Child support

Amount (determined by the Child Support Guidelines) _____

11. Post-secondary education for children

a. Any minimum guarantees to children _____

b. Contributions by parents _____

c. Financial planning options _____

12. Health insurance

a. Carried by whom? _____

b. Procedure for making claims _____

Resources

Family Justice Counsellors

Look in the provincial government listings (the blue pages) of your phone book under “Attorney General, Ministry of— Justice Centres.”

Child Support Guidelines

For information, call the Child Support Infoline. The number is (604) 660-2192 in Vancouver. The toll-free number for the rest of B.C. is 1-888-216-2211.

Ask for free copies of:

Federal Child Support Guidelines: A guide to the new approach
BC Child Support and the New Child Support Guidelines

Lawyer Referral

A half-hour appointment costs \$25.

In the Lower Mainland, phone (604) 687-3221. Outside the Lower Mainland, call 1-800-663-1919.

Legal Aid

Legal aid is a service that provides legal help for people who can't afford to pay a lawyer and who have serious legal problems. Look in the phone book white pages under “Legal Aid—Legal Services Society” or in the Yellow Pages under “Lawyers—Legal Aid.”

Transition Houses and Women's Shelters

Call the Victims Information Line: 1-800-563-0808.

Counselling for Children

Call Ark Child Services Society: (604) 540-7745.

This is a counselling service for children who are experiencing difficulties with their parents' separation. Offers individual and group sessions.

Helpline for Children: *Dial “O” and ask for Zenith 310-1234.*

Recommended Reading

For Children

- Brown, Laurene Krasny and Marc Brown. *Dinosaurs Divorce: A Guide for Changing Families*. Atlantic Monthly Press, 1986.
- Fassler, David, Michele Lash and Sally B. Ives. *Changing Families: A Guide for Kids and Grown-Ups*. Waterfront Books, 1988.
- Gardner, Richard A. *The Boys and Girls Book About Divorce, With an Introduction for Parents*. Bantam Young Reader, 1985.
- Krementz, Jill. *How It Feels When Parents Divorce*. Knopf/Random House, 1984.
- Schneider, Meg F., J. Offerman-Zuckerberg, and J. Zuckerberg (contributor). *Difficult Questions Kids Ask and Are Too Afraid to Ask – About Divorce*. Fireside, 1996.
- Stinson, Kathy and Nancy Lou Reynolds (illus.). *Mom and Dad Don't Live Together Anymore*. Firefly Books, 1988.

For Parents

- Ahrons, Constance R. *The Good Divorce: Keeping Your Family Together When Your Marriage Comes Apart*. Harper Perennial, 1995.
- Bienenfeld, Florence. *Helping Your Child Through Your Divorce*. Hunter House, 1995.
- Engel, Margorie. *Divorce Help Sourcebook*. Visible Ink Press, 1994.
- Everett, Craig A. and Sandra V. Everett. *Healthy Divorce*. Jossey-Bass, 1994.
- Friedman, James T. *The Divorce Handbook: Your Basic Guide to Divorce* (rev. ed.). Random House, 1984.
- Gardner, Richard A. *The Parents Book About Divorce* (rev. ed.). Bantam Books, 1991.
- Gold, Lois and Joan B. Kelly. *Between Love and Hate: A Guide to Civilized Divorce*. Plenum Press, 1992.
- McKay, Matthew, Peter Rogers, and Joan Blades. *The Divorce Book: A Practical and Compassionate Guide* (2nd ed.) New Harbinger Publications, 1999.

Life After Separation: Ways Parents Cope

Over 40 per cent of relationships end in separation. Here are some ways in which parents cope.

Think about the self-assessment you completed in Worksheet #1 at the end of chapter 2. Then check off the options in this worksheet that you wish to work on.

PARENTING

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

EMOTIONAL AND PSYCHOLOGICAL

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

PHYSICAL

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

ENJOYMENT AND SOCIAL

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

1. _____

2. _____

3. _____

SELF-APPRECIATION

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



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