

Parenting After Separation (PAS) Parent's Guide

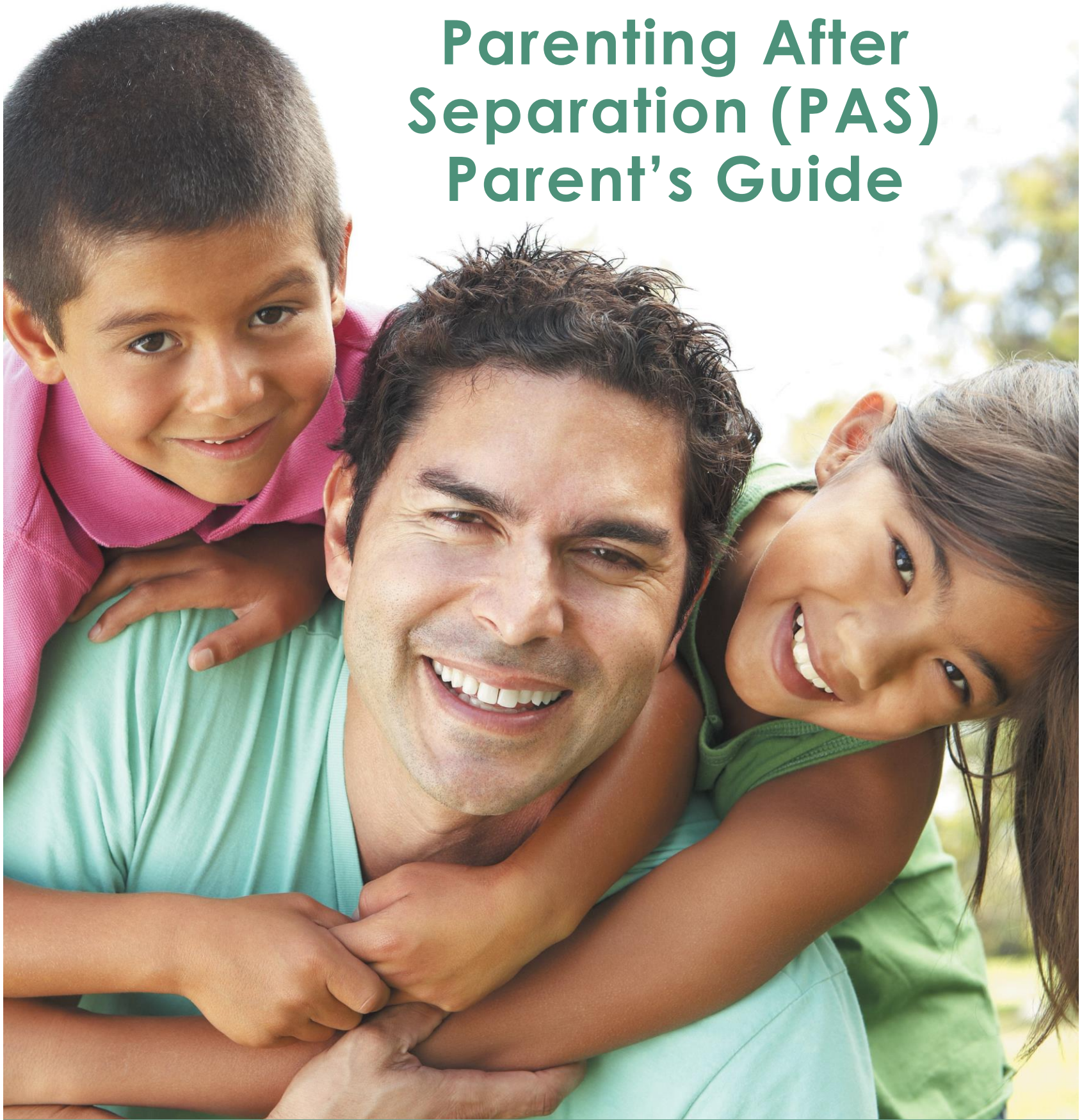


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INTRODUCTION



Parenting After Separation is a course, offered by the Government of Alberta for parents and guardians who are separating or divorcing. The purpose of the course is to help you understand the legal process of separation (or divorce), the way your children are likely to feel and behave, and what you need to know so you can make positive choices about how you will continue to parent your children, separately and together. The course explains how you can stay focused on what your children need even when it is difficult to do so.

The PAS course will help you to:

- Learn parenting and co-parenting skills that help children adjust after parental separation or divorce;
- Understand how children at different ages respond to separation or divorce, warning signs of stress at each age, and learn what you can do to help your children cope;
- Learn about dispute resolution options that are available to you;
- Know more about the legal process of separation or divorce;
- Prepare a parenting plan — an agreement between parents about how they will raise their children going forward.

The PAS course is composed of four sections:

1. Relationship Building Blocks
2. Children Can Cope with Separation And Divorce
3. Learning Your Way Around The Legal System
4. Parenting Plans That Work For Your Family

Information in this parent's guide is organized by these 4 topics with worksheets and fact sheets to help you as you move through the course. There is also a section called **Important Information** that contains more information about child support, recommended reading lists for parents and children, recommended websites, etc. As you move through your process of separation or divorce, it will be helpful to refer back to these materials as different questions come up.

To access this manual on-line along with additional information go to:

www.rcas.alberta.ca

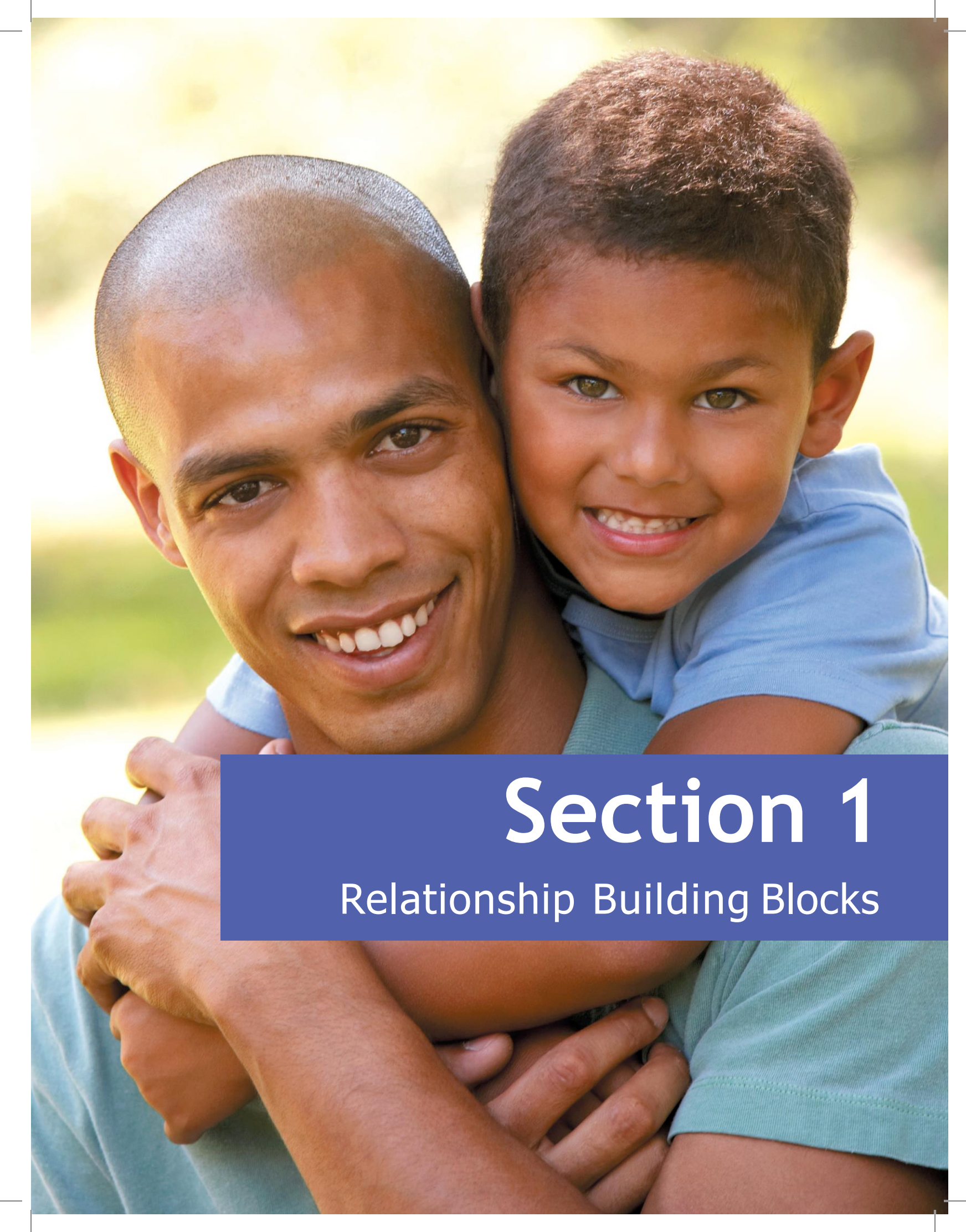
Sources of Information and Expertise

The 2011 Parenting After Separation (PAS) curriculum was revised and adapted by Marsha Kline Pruett, Ph .D. and Rachel Ebling, Ph .D. from the original PAS curriculum, which was developed in 2007 .Funding for revisions was provided by the Palix Foundation, Inc .

The on-line version of PAS was launched in July 2015 and can be found at <http://pas.albertacourts.ab.ca/>

This manual was updated in November 2016.

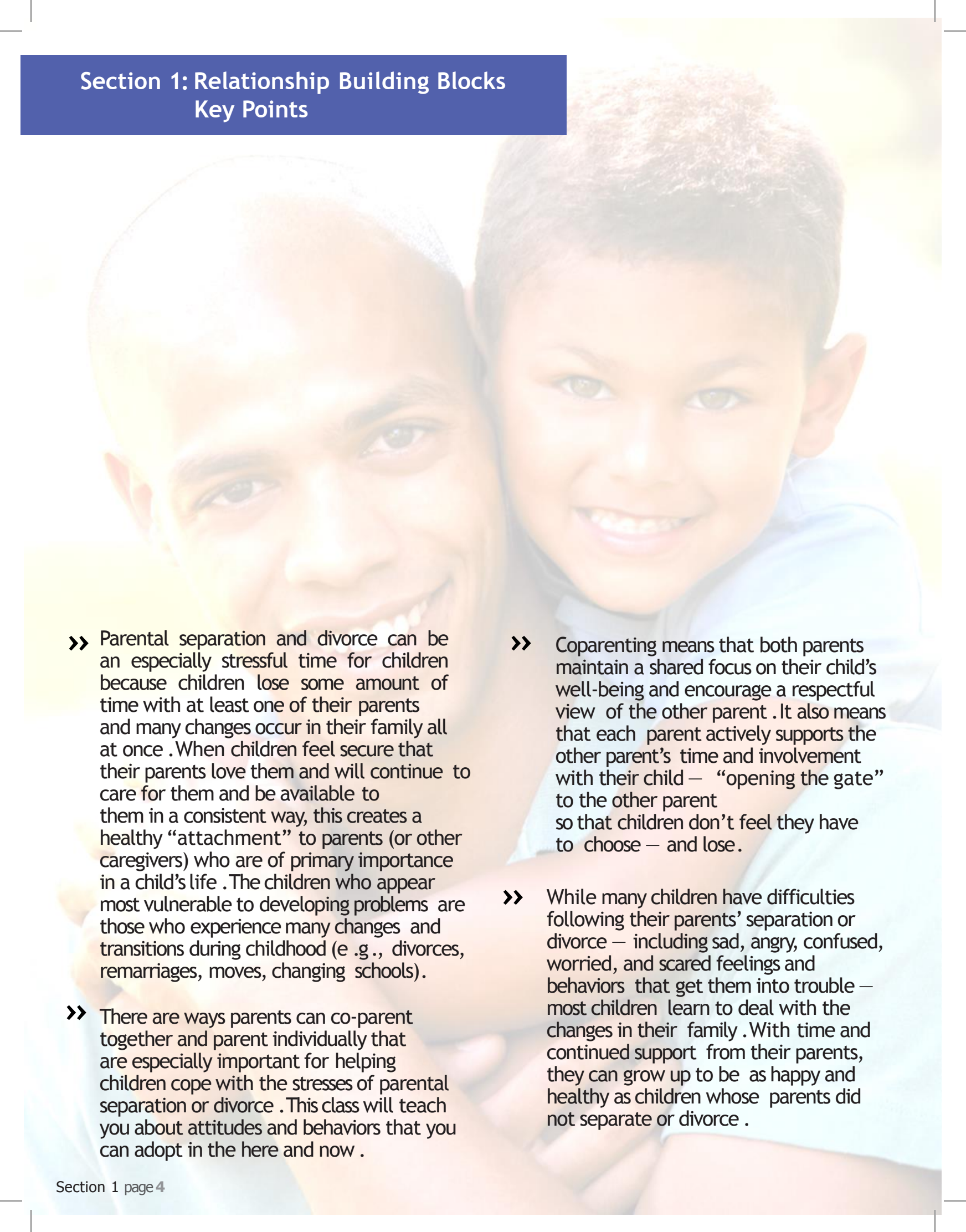




Section 1

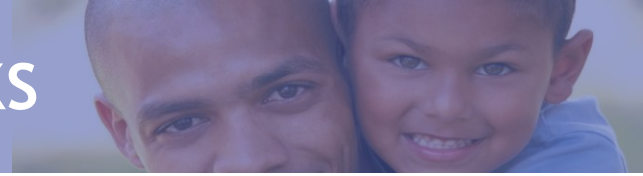
Relationship Building Blocks

Section 1: Relationship Building Blocks Key Points

- 
- A photograph of a man and a young boy smiling and hugging. The man is on the left, and the boy is on the right, leaning his head against the man's shoulder. Both are looking towards the camera with warm expressions.
- »» Parental separation and divorce can be an especially stressful time for children because children lose some amount of time with at least one of their parents and many changes occur in their family all at once . When children feel secure that their parents love them and will continue to care for them and be available to them in a consistent way, this creates a healthy “attachment” to parents (or other caregivers) who are of primary importance in a child’s life . The children who appear most vulnerable to developing problems are those who experience many changes and transitions during childhood (e .g ., divorces, remarriages, moves, changing schools).
 - »» There are ways parents can co-parent together and parent individually that are especially important for helping children cope with the stresses of parental separation or divorce . This class will teach you about attitudes and behaviors that you can adopt in the here and now .
 - »» Coparenting means that both parents maintain a shared focus on their child’s well-being and encourage a respectful view of the other parent . It also means that each parent actively supports the other parent’s time and involvement with their child – “opening the gate” to the other parent so that children don’t feel they have to choose – and lose .
 - »» While many children have difficulties following their parents’ separation or divorce – including sad, angry, confused, worried, and scared feelings and behaviors that get them into trouble – most children learn to deal with the changes in their family . With time and continued support from their parents, they can grow up to be as happy and healthy as children whose parents did not separate or divorce .

SECTION 1

RELATIONSHIP BUILDING BLOCKS



I. Attachment and Relationships

Attachment refers to the strong emotional bonds or connections that develop first between parent and child, and later in relationships with friends and romantic partners. The emotional life of each child is dependent on early attachment relationships with caregivers, especially those who assume *primary* responsibility for the child's care on a daily or regular basis; the security these relationships provide carryover into adulthood.

A. Parents Influence Attachment

Your child's secure attachment is largely shaped by both parents' behavior. To foster secure attachments in your children, you can:

- Show warmth, sensitivity, and responsiveness to your child's needs.
- Keep your child's developmental level (or age-appropriate abilities) in mind when you respond to your child, and try to understand your child's feelings.
- Listen carefully and respectfully, to show your child that you accept whatever he/she is feeling (even when your child's behavior is unacceptable).
- Act consistently day-to-day when caring for your child. With toddlers and older children, try to be clear and follow-through in your expectations for your child's behavior. By acting in ways your child learns to count on and by making promises you really can deliver on, your child will view you as trustworthy.

- Nurturing environments, particularly from pre-natal to six years of age, are essential for healthy brain development. The basic architecture of the human brain is constructed through an ongoing process that begins before birth and continues into adulthood. www.albertafamilywellness.org

B. Separation/Divorce as a Risk Factor

Research has shown that, on average, children whose parents have separated or divorced are more likely to have difficulty growing up and potentially have more problems — including attachment problems (such as, problems trusting adults) — and that this is true for boys and girls.

- **The children and adolescents who appear to be most vulnerable, socially and emotionally, are those who experience a number of changes in parenting arrangements throughout their childhood.**

As the number of changes (e.g., divorces, remarriages, moves, changing schools) increases, children's well being generally decreases. Every move to a new house, for example, places children at higher risk for developing problems when children's parents live separately.

Encourage children's time with their other parent and extended family.

Equally important, however, is the fact that *most* children cope well after their parents' separation or divorce and go on to develop healthy relationships in childhood and adulthood. What makes it more or less difficult for children to adjust?

- Children's *temperament* (traits that children are born with, such as their adaptability and how strongly they usually react to situations);
- *The family's economic situation* (for example, whether the children have to move to homes in less pleasant neighborhoods, attend schools that are less supportive, or decrease their favorite activities);
- *How well parents co-parent together and how well they parent individually* have great potential to help children adapt to life after their parents' separation/divorce.

II. healthy Parenting

How each of you provides care for your children can help to protect them from the more hurtful impact of parental separation or divorce. There are many parenting behaviors that benefit children of all ages, including:

- Showing sensitivity to your children's needs
 - The way you physically handle and relate to your children, especially when they are young, can help them learn to feel good about themselves. This is known as developing self-esteem. Physical forms of comfort — a good cuddle — often beats a good talk. When parents stay emotionally available and warm, they are more responsive to their children's ways of showing what they want and need from the grownups in their life.
- Showing care for your children by remembering what matters to them
 - Remember the names of their softie/lovey and their friends or teammates. Mention the funny, clever, and loving things they've done or said in the last few days. Share their most recent activities and accomplishments with their other parent, grandparents, or others.
- Making your children feel adored and valued
 - Tell your children regularly what you love and admire about him/her. Praise children for all that they do well and encourage them to keep trying to learn skills or behaviors that come harder or more slowly to them, reminding them always that you think they are wonderful human beings.
- Managing your own anger
 - It is difficult to take care of your children when you are feeling anger or distress. Recognize that anger and grief usually are natural parts of the divorce process. Get help dealing with your anger so that your children are not the targets. Find adults to talk to, read self-help books, or get professional help. But keep your anger out of your relationship with your children.

- Sharing excitement about whatever your child is “turned on” to
 - Talk to your children and ask questions about their pleasures — especially pleasures such as music, books, friends, sports, pets, and activities .
- Disciplining as a form of teaching
 - The term “discipline” means “to teach,” although it is assumed to be the same things as punishment .Punishment tells children what not to do, but it doesn’t teach them how to act next time .The most effective way to change children’s behavior is by rewarding good behavior .
- Promoting education as process
 - Take care not to emphasize achievement over delight in learning .It is the effort made over the grade received that matters over time .Also take care in what you encourage your child to do or learn at each age; avoid rushing your children into “too much, too soon.” They don’t have to ride a bike without training wheels at age 4, unless they are pushing to do so . Nor do they need to read books or see movies that have content in them that you think is “too old”; they will learn about it soon enough and it may promote fears and nightmares if introduced too young.
- Safeguarding rituals and routines
 - Children of all ages feel more comfortable and safe when routines are followed and family traditions maintained .Rituals and routines allow children to know and trust what’s coming next — they work like anchors in a rising sea .

Separation and divorce is stressful, but parents can help their children adjust and feel secure:

- Be warm and responsive
- Act consistently and continue to have expectations for your children’s behavior
Keep your anger out of your relationship with your children.

III. healthy Co-parenting

Co-parenting in a positive way means that you as parents maintain a shared focus on your child's well-being and talk to and about each other in a respectful tone in front of your child. Positive co-parenting is not the same as being two independent positive parents. You may be highly responsive and nurturing to your child, but still criticize or blame the other parent when your child can hear.

In the best-case scenario, parents are able to share their parenting problems with each other without fear that the other parent will use that information to get an advantage in court. If parents don't share their parenting problems with one another, they build the stage for their child to play them off one another. Children will take advantage if they see holes in parents' co-parenting armor that they might wiggle round or through, especially if they are pre-adolescents or

adolescents. All children do this, it is part of their experimenting with rules and behaviors; they may be more effective at wiggling through separated parents if they are not communicating well. Stay ahead of them!

gatekeeping occurs when one parent helps or blocks the other parent in his or her parenting role — essentially “opening” or “closing” the other's access to their children. “Closing the gate” on the other parent interferes with the development of a positive co-parenting relationship and hurts children and parent-child relationships. Research shows that when children get along better with *both* parents, they have closer relationships to each parent. The competitive approach doesn't play out so well for any family member when it comes to co-parenting.



Positive Co-parenting Do's and Don'ts

DO

- Encourage children's time with their other parent, as well as visits with grandparents and members of the other parent's family .
- Encourage phone contact with the other parent, or other parent's family members .
- Have your child ready for pick-up (or help with transportation) when it is time to see the other parent.
- Reassure your child that he or she will be able to see the other parent .
- Speak positively (or at least neutrally) about a parent your child sees less often; keep that parent's presence "alive" in the child when they are not together (e .g ., "Oh you have to remember to show Daddy this picture you drew when you see him in a few days .He'd love this one .").
- Forward all emails concerning your children's activities, including changes and cancellations, to the other parent .
- Inform the other parent about school and day care conferences, and if you get along well enough, schedule them at a time you both can attend .
- Allow extra time for your child to be with the other parent on special occasions .
- Be supportive to the other parent, especially in times of crisis .

DON'T

- Choose to carry the weight of parenting by yourself; get help to make it work better for both of you .
- Insist on primary responsibility for childrearing as if no other parent exists .
- Criticize the other parent's behavior to your child or to another grownup when your child is listening .
- Undermine or refuse to comply with the other parent's time with the child or care giving plans .
- Forget or refuse to inform the other parent of significant events in your child's life .
- Give up on finding a way to support the other parent's ability to work with you regarding your child's developmental needs or extra support that he/she may require .
- Change schedules at the last minute so that the other parent cannot maintain plans to see the child, or refuse requests for change that allow the other parent to see the children at another time when work or other events interfere with regular parenting schedules .

gatekeeping occurs when one parent supports or hinders the other parent's time/relationship with their child.

IV. Keeping Both Parents Involved

Involved and caring parents play a visible and nurturing role in their children's lives and are essential to healthy development and positive well-being.

Sometimes parent-child relationships are more difficult to maintain after separation. Research shows that the more caring adults there are in a child's life increases the likelihood that they will flourish and become productive adults.

Quality is more important to the relationship than the absolute quantity of time spent together.

Quality means spending time together paying attention to who your child is and what he or she needs at this point in time.

An involved parent:

- Is responsible for and behaves responsibly toward his or her child
- Is emotionally engaged Is physically present
- Is physically and emotionally involved in hands on childcare
- Is involved in childrearing decisions
- Provides financial support

A lot of research continues to be conducted on the roles of mothers, fathers and parents in general. Look for it online or in your local libraries

Parents have their own personalities, temperaments and parenting styles that offer something different to children's development.

Children learn from all interactions with their parents.

Warm and consistent parenting aids children in engaging in positive, healthy relationships with others throughout life- friendships, adult romantic relationships, etc.

Predictability can be a soothing influence that can help children stay calm and self-regulated. **Unpredictability** can make interactions between parent and child fun and stimulating.

Discipline styles can have a different emphasis. Real-world implications such as; *"You will not be allowed to come back in this store if you behave like that"* emphasizes the consequence of a behavior. Alternatively a parent may put the emphasis on the implications for relationships, i.e. *"The cashier is trying to do her job and you're making this very hard for her"*.

Ways of learning can also differ. One parent may allow higher levels of frustration to build as their child works at a task because of the problem-solving value. Another parent may offer help sooner so their child feels competent and confident.

Frequently Asked Questions About Relationship Building

1. What if one parent behaves really positively to the children and the other doesn't?
2. What if I'm too hurt/angry/exhausted/ etc. to show healthy parenting or healthy co-parenting to my children?

First, take a step back and ask yourself if the other parent's behaviors are really "unhealthy" or harmful, or if they are just different from your own. Remember that parenting is not a competition. Each parent will be better than the other parent at certain things. If the other parent's shortcomings do not pose a danger to your children, focusing on these imperfections may not be the best use of your energy. Usually, it is much more useful to focus on working together as co-parents and on improving your own relationship with your child, even if it means overlooking the other parent's shortcomings.

On the other hand, behaviors that fall in the category of child abuse or neglect should never be overlooked.

Going through separation and divorce provokes strong emotions in adults (and of course in children, too). The end of a relationship leads to many changes and losses; each one takes some time for you to adjust. Some parents try to ignore their distress so it doesn't slow them down, but the more you understand and face the losses and the grief, the better you can cope with it. You may choose to learn about separation and grief by reading books or talking to others who have been through a similar situation; or you may choose to join a support group or seek counseling. Information and support from people who are not so closely involved offers a sense of control over a situation that seems overwhelming.

Remember, this journey is the same for your children, except they may not be able to understand their emotions or arrange for the support they need. They need the help of their parents and other caring adults to arrange that for them. Take care of yourself so that you can start being the kind of parent you want to be.

3. What if we have one of those distorted family relationship triangles?

<http://tinyurl.com/pas-triangle-video>

- Educate yourself: Read books and articles to understand what parents feel and do which results in a distorted triangle, and what they can do differently to straighten it out .There are a lot of self-help books about separation and divorce; a list is part of your Important Information section for this course .
- Recognize the difference between your needs and your children’s needs . Separation involves intense feelings between adults such as rage, humiliation, grief, and sexual attraction and loyalty that doesn’t always end when the relationship or marriage does .Children can feel their own anger, sadness, loyalty conflicts, and so on .But each child and each parent have their own relationship that may not be the same as any other in the family .Let there be room for each relationship, even if it is difficult to understand how your child can feel so differently about the other parent than you do .
- Understand the value of having both parents involved in your children’s growing-up.
- Contact a clinician or therapy group . Understanding your own emotions or sharing your experience with others who know how the separation process feels may help you deal with your situation in a more positive way .
- Try to reduce conflict between family members even if it means your having no direct contact with the other parent for a while; try communicating by email .

4. What should I do if the other parent keeps “closing the gate” on my access to our children?

First, keep in mind that addressing such issues is a parental responsibility .Children should never be used as message-carriers or as threats to address the problem .If you are unable to discuss the situation with the other parent in a productive way, get help from a lawyer, mediator, or counselor . You may choose to take legal action .The courts are increasingly emphasizing that — barring situations of abusive or addictive parental behaviors in which certain protections apply — children have a right to have a relationship with both parents . This relationship includes *reasonable parenting time* between parents and children .

Parents bring different skills and styles to their parenting.

5. What if the other parent is unable or unwilling to be involved with the children?

- Support your child in expressing disappointments without criticizing the other parent.
- Inform the other parent of the child's activities .If there is a history of disappointments, do not tell the child to inform his parent .Inform the other parent yourself .
- Do not push the child to involve his/her other parent .If the child wants to phone or write, then support that choice .
- Focus on what you can control .That is, focus on your relationship with your child . Sympathize with your child's feelings, but keep reminding yourself that this lack of involvement may have been part of the reason you separated in the first place; it isn't necessarily going to change now .But sometimes, after separation, an uninvolved parent feels more free to become more involved .Make room for it when it happens.
- If possible, keep in contact with some people from the other parent's side of the family.

5. What if I am a parent who wants to see the children, but the children don't want to see me?

- No matter what, don't give up .Drop your child little notes .Send cards on her birthday . Stop by at his activities if it doesn't upset him .Keep saying "I love you and hope we can talk sometime soon ."
- At the same time, don't be pushy .If you did hurtful things in the marriage or were not always involved when you were living with them, they will need some time to heal and decide if it is emotionally safe to be with you .If you are ready to be a positive presence in their life, keep letting them know that and showing them you will not try to force the issue, but you will stay steady.
- If you need help with your former spouse, try mediation with someone who is familiar with handling higher conflict situations and understands about changes in the parent's role post-separation or divorce .

7. Is it true that if my child spends time with her other parent for longer periods, she will become less attached to me?

There are a lot of confusing beliefs about attachment that are discussed in the legal process of separation and divorce. It is true that children need regular and consistent time with their primary caregiver(s), especially when they are babies. When children do not have enough access to the caregiver who they know best and who knows them best, they will express their distress and if the separations are long and filled with conflict, the child may express attachment difficulties.

However, children can become securely attached to more than one person at the same time. If they have relationships with a second or even third person who sensitively and consistently cares for them and provides for their needs (when hungry, tired, anxious, or upset), they will develop close connections. But these close connections should not cost them in their relationship with their primary caregiver. What is most important is that the parent who is less used to spending time with the child is very familiar with the child's routines, that the parents are able to communicate about what the child needs and pass treasured objects (such as blankets or stuffed animals) up and back between them, and that the time spent with each parent is built around the child's eating and sleeping routines, not parents' work schedules or desires. Such sharing can occur at any age, but it must be introduced gradually, with careful monitoring of the child's reactions and comfort.

Section 1- WORKSHEET

Recognizing high Conflict Coparental Relationships*

Please circle the number that best describes your relationship with your children's other parent .

	Almost Never	Some of the Time	Much of the Time	Almost Always
1. My children's other parent says things about me to the children that I don't want them to hear .	1	2	3	4
2. I say things about my children's other parent that he/she wouldn't want them to hear.	1	2	3	4
3. I have angry disagreements with my children's other parent .	1	2	3	4
4. My children's other parent and I disagree in front of them .	1	2	3	4
5. My children often get caught in the middle of conflicts between their other parent and me .	1	2	3	4
6. Discussions between me and my children's other parent about parenting issues often result in an argument .	1	2	3	4
7. There is an underlying atmosphere of hostility or anger between me and my children's other parent .	1	2	3	4
8. The other parent threatens or actually cuts off children's visits or money because of disputes .	1	2	3	4
9. The other parent is trying to cut me out of the children's lives .	1	2	3	4
10. I think it would be better for the children to see the other parent a lot less .	1	2	3	4
11. I do not trust that my children's other parent will do what is best for them .	1	2	3	4
12. I fear that my children's other parent will place them in harm's way while they are in his/her care .	1	2	3	4

Now add up the number of times you circled a "3" or "4 ." If you circled one of these numbers **3 times or more**, we recommend that you participate in "Parenting After Separation for Families in High Conflict: . If you have even one "3" or "4", you could benefit from the High Conflict course and might wish to get further information about its usefulness for you and your family .

Contact information for Resolution Services can be found at the end of this manual.

*Adapted from questionnaire items by (a) Emery, 1997; (b) Ahrons, (1981); (c) Johnston, 1996 .

WORKSHEET - Section 1

Recognizing Abusive Relationships

Family violence is a problem that affects every community across the country .It crosses all races and ethnicities, social and economic backgrounds, cultures, religions, ages, genders and relationship types .

Parents who are being abused are stressed and sometimes in danger, as are their children .

Family Violence (also known as Intimate Partner Violence or Domestic Abuse) is abuse that occurs between two people during or after a close relationship, including current and former spouses and dating partners .Many people first think about abuse as physical aggression .But abuse can be physical, verbal, emotional, financial, and sexual; it also can involve threats, destruction of property, and harm to pets .Abuse can range from a single event to ongoing episodes .

To determine whether your relationship is abusive, answer the questions below. The more you answer “yes” below, the more likely it is that you’re in an abusive relationship. Keep in mind that this is not a complete list of every sign of an abusive relationship, but rather a list of examples of how people might feel and behave when in an abusive relationship.

If these statements apply to you or your family you can:

Call 911 if you are in immediate danger

Call the Family Violence Info line 310-1818

**Visit the Supports and Services webpage:
<http://www.humanservices.alberta.ca/abuse-bullying/15666.html>**

Your Inner Thoughts and Feelings	Your Partner’s Belittling Behavior
<p>Do you:</p> <ul style="list-style-type: none"><input type="checkbox"/> Feel afraid of your (former) partner?<input type="checkbox"/> Feel afraid for your children’s safety?<input type="checkbox"/> Avoid certain topics out of fear of angering your partner and what he/she might do when angered?<input type="checkbox"/> Feel you can’t do anything right for your partner and are punished by him/her for it?<input type="checkbox"/> Believe that you deserve to be hurt or mistreated?<input type="checkbox"/> Wonder if you’re the one who is crazy?	<p>Does your partner:</p> <ul style="list-style-type: none"><input type="checkbox"/> Humiliate, criticize, or yell at you or your children?<input type="checkbox"/> Treat you so badly that you’re embarrassed for your friends or family to see?<input type="checkbox"/> Ignore or put down your opinions or accomplishments?<input type="checkbox"/> Blame you for his or her own abusive behavior?<input type="checkbox"/> Treat you as property or a sex object, rather than as a person?<input type="checkbox"/> Punish (or threaten to punish) your children physically for behaviors that are typical for their age?

Section 1 - WORKSHEET

Your Partner's Violent Behavior or Threats	Your Partner's Controlling Behavior
<p>Does your (former) partner:</p> <ul style="list-style-type: none"><input type="checkbox"/> Have a bad and unpredictable temper?<input type="checkbox"/> Hurt you, or threaten to hurt or kill you or your children?<input type="checkbox"/> Threaten to take your children away or harm them?<input type="checkbox"/> Threaten to commit suicide if you leave?<input type="checkbox"/> Force you to have sex against your will?<input type="checkbox"/> Destroy your belongings?<input type="checkbox"/> Get drunk or high on drugs and threaten or harm you or your children?	<p>Does your (former) partner:</p> <ul style="list-style-type: none"><input type="checkbox"/> Act excessively jealous and possessive?<input type="checkbox"/> Control where you go or what you do?<input type="checkbox"/> Keep you from seeing your friends or family?<input type="checkbox"/> Limit your access to money, the phone, the car, or the Internet?<input type="checkbox"/> Watch your movements or constantly check up on you?

Your Children	Your Own Behavior
<p>Has your child(ren):</p> <ul style="list-style-type: none"><input type="checkbox"/> Heard or seen very angry disagreements or violence at home?<input type="checkbox"/> Heard or seen very harsh behavior by either parent toward the other, or toward a pet?<input type="checkbox"/> Been treated very harshly by you or their other parent?<input type="checkbox"/> Been afraid of either parent or about misbehaving and making either parent very angry?	<p>Have you:</p> <ul style="list-style-type: none"><input type="checkbox"/> Threatened or hurt your (former) partner or your children, such as in ways described above?<input type="checkbox"/> Felt you needed to control your (former) partner's behaviors, friendships, activities, money, etc.?<input type="checkbox"/> Felt you couldn't stop your anger toward your child or your (former) partner?<input type="checkbox"/> Heard others (who you respect) express concern about the way you treat your children or (former) partner?

Remember that this list does not include every possible example of abuse. Consider if anything else (besides what is listed) has occurred that makes you worry that you might be in an abusive relationship. If so, it is better to take action than to risk increasing danger or abuse to yourself or your children.

Call the Family Violence Info line 310-1818

Visit the Supports and Services webpage:

<http://www.humanservices.alberta.ca/abuse-bullying/15666.html>

This questionnaire was adapted from Helpguide .org .We wish to acknowledge Amy Holtzworth-Munroe, Ph .D. and Jennifer McIntosh, Ph .D. for their suggestions and advice regarding use of the adapted checklist for PAS .

WORKSHEET - Section 1

Reflective Questions

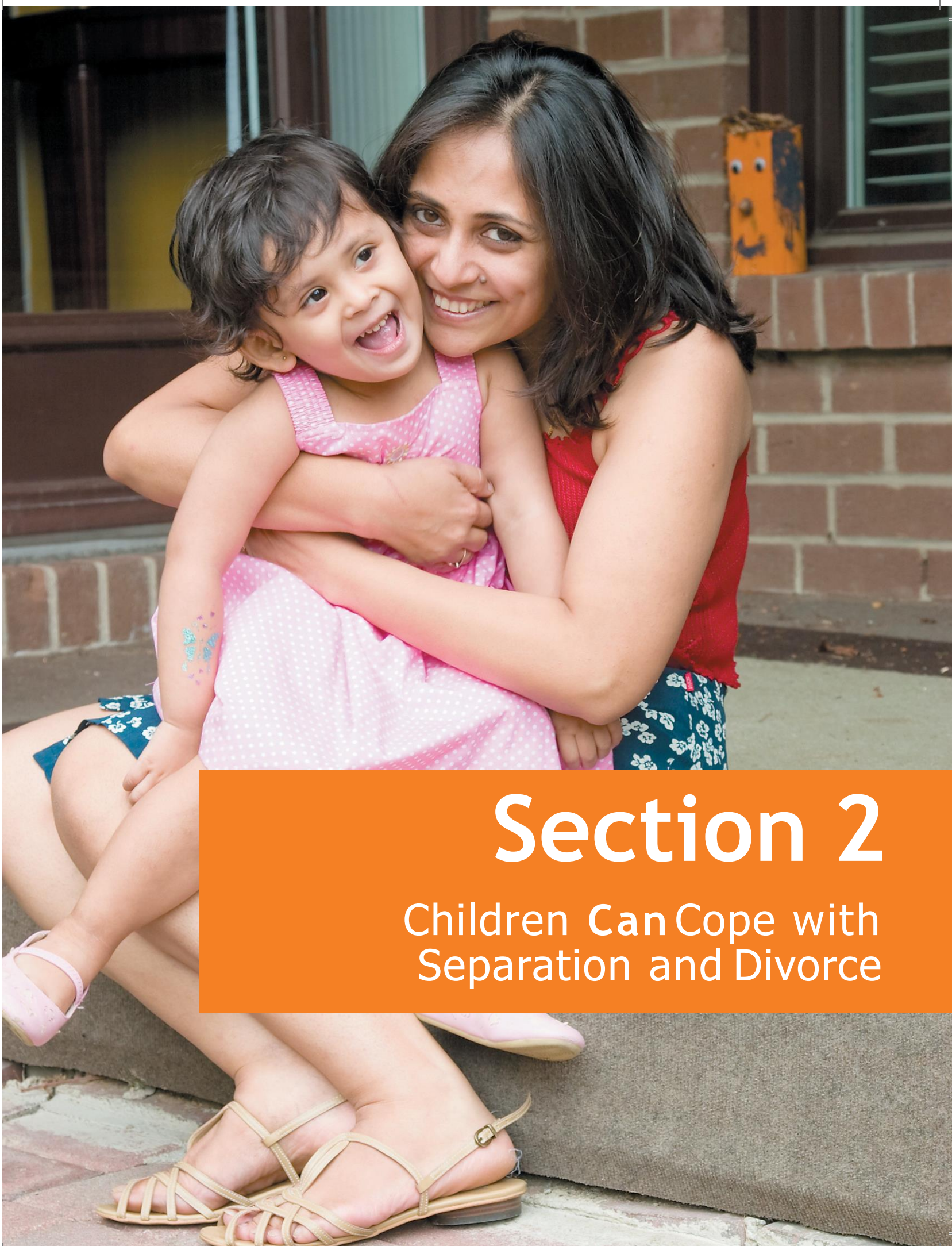
Based on the information you have been given about relationships during separation and divorce consider the following questions:

1. Are there areas of conflict between you and the other parent that are based in your spousal relationship as opposed to your parenting relationship? If so, what will you do to change those interactions?

2. What can you do to support your children's relationship with the other parent?

3. What would you hope the other parent would do to support your relationship with the children?

4. how will you share information about the children with the other parent?



Section 2

Children Can Cope with Separation and Divorce

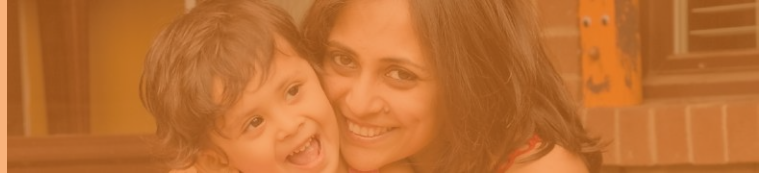
Section 2: Children Can Cope With Separation And Divorce

Key Points

- 
- A photograph of a woman with long dark hair smiling and hugging a young child with curly hair. They are sitting on a carpeted floor in a room with a brick fireplace and a window with blinds in the background. The image is semi-transparent, allowing text to be overlaid.
- » Children often feel a great deal of stress when parents separate and it's up to the parents to make it as painless as possible for them. Try not to put your children in the middle of adult conflicts or expect your child to be a friend or caretaker of you.
 - » Anticipate what will be most difficult for your child based on your knowledge of his or her temperament – the traits and sensitivities with which he/she was born. Some children are easygoing about most things and they adjust quickly; other children are more shy, cautious, or slow-to-warm-up and they make changes more slowly. Parents who keep their child's temperament in mind can prepare them for situations so that children can respond to the new situations without too much upset. Tailor your parenting behaviors and your parenting plan to the particular temperaments – and to any special needs – of each of your children.
 - » Children often have difficulties adjusting to change and transitions between parents and houses in the early stages of separation, even when parents cooperate well and there is a minimum of conflict about parenting decisions. These transition difficulties are not necessarily the fault of the other parent. If you can work together as co-parents to understand what is hard for your child at any point and how you can make things easier, you will learn what your child can or cannot handle.
 - » Children need to continue to have a relationship with both parents whenever possible, which includes each parent making room for open discussion about your child's feelings (hurt, sadness, anger), experiences, and questions about the separation or divorce.
 - » Children need to understand the changes that are happening in their family, but without hearing all the details about what led to the separation or divorce, parents' own worries, conflict between parents, etc. Children do better when they do not know too much about what their parents feel and need during the separation or divorce. It is your job to protect them from having too much information, at too young an age.

SECTION 2

CHILDREN CAN COPE WITH SEPARATION AND DIVORCE



I. Effects of Parental Separation or Divorce on Children

A. Common Feelings Children have

Just as parents feel so many kinds of emotions during separation, so do children. Children observe what is happening to their parents. In response, they tend to have many similar feelings, although some children show their feelings more openly than others.

Common feelings of children following separation are:

- Being “left” or abandoned
- Loss and depression
- Guilt, self-blame and lowered self-esteem
- Confusion
- Feeling burdened
- Anger
- Helplessness and powerlessness
- Insecurity

Children are born with temperaments that affect how they adapt to change and stress.

B. Temperament

Temperament is a set of in-born traits that affect the way a child typically reacts in different settings and situations — including parental separation or divorce. These traits are evident from birth, and generally remain through adulthood.

Temperament Traits

- **Activity:** Is your child always moving and doing something or does he or she have a more relaxed style?
- **Regularity:** Is your child regular in his or her eating and sleeping habits or somewhat unpredictable?
- **Approach/withdrawal:** Does your child approach new situations and new people with eagerness or tend to shy away?
- **Adaptability:** Does your child adjust to changes in routines or plans easily or does he or she become cranky or confused around transitions?
- **Intensity:** Does your child react strongly to situations, either positive or negative, or does he or she react calmly and quietly?
- **Mood:** Does your child often express a negative outlook or is he or she generally a positive person? Does his or her mood shift frequently or is he or she usually even-tempered?

- **Persistence:** Does your child give up quickly when a task becomes difficult or does he/she keep on trying? Can he or she stick with an activity a long time or does his or her mind tend to wander?
- **Distractibility:** Is your child easily distracted from what he or she is doing or can he or she shut out what is occurring around him or her and stay with the current activity?
- **Sensory threshold:** Is he or she bothered by loud noises, bright lights, or new food textures or does he or she tend to ignore them and “go with the flow”?

C. Transition Challenges

Children approach change differently, depending in part on their temperament and age .

Even when parents are cooperative with each other, children will often:

- Find it difficult to leave either parent or move between them (both coming and going);
- Act anxious or whiny, and act in ways that “test” his/her parents’ follow through when it is time to make a transition;
- Be wound up, reserved, disobedient, or unhappy for a day or so after moving from one house to the other .

Parents are often quick to think children are reacting to something the other parent is not doing or is doing wrong .But these reactions may not be the fault of the other parent . They are the children’s efforts at having some control in their world .For most children, transitions will get easier over time .

D. Easing Transitions between homes

- Do follow a schedule and routine for your children’s moving between houses .
- Do teach your child that your word counts by showing up on time .
- Do allow schedules to change from time to time to fit your child’s age and stage of development .
- Do be as flexible as possible concerning scheduling changes in order to model cooperative behavior to your child .
- Do give the other parent as much possible advance notice of changes of schedule, vacation times and travel plans .
- Do find activities that allow you and your child an opportunity to build your relationship so that you both look forward to time together .
- Do remember that time together between parent and child is more important than an activity itself .
- Do set up a place for your child’s creations (art work, pictures, etc .) in order to help him/her feel that “this is home .” Encourage your child to bring games, favorite objects, and crafts from each home to the other .
- Do, when possible, involve your child or put him/her in charge of packing and unpacking clothes, toys, etc .for change between homes . This helps him/her feel a sense of control .
- Do allow your child to bring friends along to each home sometimes .
- Do introduce your child to neighborhood children he/she can play with at each home .

E. What Children Need

- To know that they continue to be loved by both parents, even when times get difficult . Tell them again and again .
- To be kept out of the middle of parents' conflict (e .g ., not being asked to take sides, or to hear one parent discuss the other parent's behavior in an angry tone) .
- Parents who remain warm and affectionate, but consistent and firm in their discipline . This means sticking to what you say (e .g ., bedtime is 9:00) . It also means staying calm and clear while managing your frustration or anger at your child .
- To continue to have a relationship with both parents whenever possible, which allows for talking with either parent about the separation/divorce, feelings (hurt, sadness, anger), and questions .
- Help expressing feelings rather than behaving in angry or hurtful ways . For example, children can be told: "Of course you feel angry at a time like this . But we need to find another way for you to show your anger . Tell me your ideas, and I can help you think of others ."
- To understand the changes that are happening in their family, but without hearing all the adult details about what led to the separation/divorce, what is difficult for parents, what parents are fighting about, etc.
- To be given support for staying involved in their previous activities, friendships, and interests.

E. Making the Separation Easier on Children

- Speak to your children about their other parent in ways that support that parent .
- Be civil to your former partner when you happen to be together .
- Let your children talk about and show enthusiasm for the other parent's home and the activities they share .
- Encourage your children not to blame the parent who left the home or started the separation .
- Acknowledge your child's heartfelt wish for a reunited family without offering false hope or insisting over and over that it will never happen .
- Don't try to mediate conflicts or involve yourself in disagreements between your child and the other parent .
- Don't pump your child for information about the other parent .
- Don't drag your children into adult business by asking them to take messages to the other parent (such as pick-up times, child support, etc.) .

g. Age-by-Age guidelines

If you are wondering about what types of reactions children typically have at what ages, or are looking for tips about what behaviors should be worrying you, refer to the handout from class: *Age-by-Age Guidelines: Children's Reactions and How to Help*.

Children need to be kept out of the middle of parents' conflict.

II. Ways to Promote Positive Coping

A. Provide Useful Information for Your Child's Age

Children often don't receive any information before the separation and have no time to prepare themselves for it when it happens. Whether you are just now separating or discussing "what is happening" with your child for the tenth time: Explain what is happening or answer your child's question in simple but true terms. Make sure they understand the information. Tell children what is going to happen, when and how; in particular, tell them what the living arrangements will be. Let them know they can ask questions at any time.

B. Avoid Blame

The question of who is at fault is an adult concern. Children need to be able to count on and respect both of their parents, especially now. Children — especially younger children — may believe that they are to blame for the separation or divorce. Children may need to hear multiple times over the first few weeks and months that the separation or divorce is not their fault, and that there is nothing they could have done to prevent it.

C. Pay Attention

Remember that this is an important time to be with your children, to listen to them, and to give them the love, attention, and reassurance they need from you. Be sure to spend some "alone" time with each child.

D. Help Children Understand their Feelings

Sometimes parents are unable to admit that the separation or divorce is causing pain or difficulty for their children because they want so much for it not to be affecting them. Talking with your children about their feelings helps them cope. Reassure them that feelings are never "wrong."

E. Keep Children Out of the Middle

- Avoid asking your child about the other parent's life or asking your child to spy on the other parent's activities. Children should not be asked to get or give information about one parent to the other parent.
- Avoid asking your child to take messages to the other parent, rather than speaking directly with him or her. Do not send your child with messages about child support or how a transition or change in plans will take place.
- Avoid bad-mouthing the other parent when the child is in earshot.
- Avoid discussing your own angry feelings about the other parent directly with your child.
- Avoid asking your child to keep secrets from the other parent.

The fewer changes you make in the first year following separation or divorce, the better.

F. Keep Children Out of a grown-Up Role

Children should not be expected to provide emotional support to their parents .There is a big difference between talking honestly with your children and leaning on them emotionally .

g. Make Changes Slowly

The fewer changes you make in the first year following separation or divorce, the better . Familiar and comfortable places, people, activities, and routines will help children adjust as they experience the unavoidable changes that occur with separation or divorce .Be especially cautious when it comes to new relationships .Take them slow and be even slower to introduce your child to your new love .

h. Keeping One-on-One Time

As part of your parenting plan, build in regular times for each parent to spend time alone with each child .Children treasure time with their busy parents when they have their full attention . Children are more likely to open up about what they're feeling when they have time alone with one parent . Taking the time one-on-one, on a regular basis, will help your relationship with your child stay strong, with long lasting benefits .

If and when you begin a relationship with a potential new partner, take care to keep your one-on-one time with each child .When children feel ignored because a parent has a new partner, anger begins to build, sometimes exploding when your child decides he or she doesn't want see you any more .

I. Keep Temperament in Mind

- Be aware of your own temperament and adjust your reactions when they clash with your child's responses .
- You may need to adjust the way you respond to your child to better fit his or her temperament .This could mean taking more time to prepare your child for transitions or new situations, or being more patient as he/she works out how he/she feels, or seeking creative or high-energy activities for your child to express him or herself .
- Think ahead of time about the kinds of sensitivities your child will have or difficulties your child might face, based on your knowledge of his or her temperament .This will help you better prepare your child for situations and avoid potentially difficult situations altogether .
- Tailor your parenting strategies and your child's activities or schedule to his or her temperament .If your child doesn't make transitions easily, do not have him busy right up until the time he is supposed to switch homes for the weekend .If your child reacts shyly to new persons, do not change his/her school or daycare shortly after the separation, if at all possible .If your child does best when routines are in place and schedules are regular, try to maintain these routines and not surprise him/her with unnecessary changes .

J. Recognize When to Seek Outside help

For Your Child:

Notice how your child responds to the separation or divorce . Are there any reactions that cause a higher level of concern? If so, make a strong effort to spend time with your child and try to identify and solve the problem together .If your child’s mood or behavior does not improve in a couple of months, it is time to turn to your child’s teacher, pediatrician, or a mental health professional specializing in children .

For Yourself:

The process of separation usually takes place in stages and over several years — from immediate crisis, to short-term adjustment, and to long-term recovery .Remember that it can take 2 - 3 years after the separation for adults to recover and work through all the adjustments and issues that need to be resolved .While it is important to recognize that time is needed, there is also no reason to hesitate to seek professional help if problems are troubling you .Contact a therapist or therapy group .Understanding your own difficulties or sharing your experience with others going through the separation process may help you deal with your situation in a more positive way .

Children need to continue to have a relationship with both parents whenever possible.



Frequently Asked Questions About Promoting Coping

- 1.** how can I tell if my child is reacting to the separation or divorce or to something else?

Often, signs of stress look the same in a person, regardless of the cause. Step back and count the number of changes your child is making and what kinds of changes are happening to the people around him or her. When did you start to notice reactions in your child that worried you? Thinking in terms of when a behavior first started and when it changed over time may help you to figure out the specific causes of your child's upset.

Sometimes, many small stresses add up to bigger ones — the result of experiencing too many changes or difficult events at once. Re-read the *Ways to Promote Positive Coping* in this parent's guide and use it as a checklist. You may also want to refer back to the *Age-by-Age Guidelines: Children's Reactions and How to Help*, which discusses typical reactions to separation or divorce at every age.

- 2.** how can I tell if my child's behavior is due to temperament or if it's a sign of a more serious problem?

Temperament is a set of traits that are present at birth and are life-long. As a parent, you know your child best. Thinking back through all the ages your child has been, what temperament traits have been strong and consistent over time? If you are noticing *new* behaviors or reactions that worry you, they may relate to things your child is doing that are not just a sign of temperament. If you are unsure, talk to your child's pediatrician or school counselor.

- 3.** My child has a slow-to-warm up temperament. My ex-spouse wants to have her go up and back between our houses every week. I don't think she has the temperament for it. What should I do?

Your child's temperament may make moving between houses harder for her, but a lot also depends on her age and what kinds of support are in place for her. Work together to figure out all of the things you could each do, separately and together, to make the schedule comfortable for her and manageable. If she is preschool-age or older, talk to her about what is hard and what feels pretty good about moving between homes or any two places. Ask her what will help her "warm up" to making the change.

- 4.** What should I do if the other parent talks to our children about the divorce/ about me in a way that is not healthy or appropriate for our child's age?

Try to talk privately with the other parent about the issue. If there is much conflict between the two of you, you may want to write a letter or email, which allows you to carefully choose your words and allows the other person to think about them without a knee-jerk response, that is, responding to you in the same old ways no matter what the issue is that you are raising. If you are working with a mediator or lawyer, that person may also be helpful in setting "ground rules" for talking or making decisions together. If none of this is successful, remember that you could not control the other parent's behavior when you were in a relationship, and you won't be able to now. Your attention is better spent on your relationship with your child.

- 5.** When do most children get to the point of being able to put the separation/divorce behind them?
Separation or divorce is not a single event; it is a process. Parents' own process of feeling better from the separation or divorce often takes 2 to 3 years. It takes children this long, too. Though your children's feelings about the separation or divorce will become less "raw" over time, you should not expect them to disappear. They may continue to have questions, or express wishes or upset that things are different than they once were. The more anger and conflict there is between the other parent and you, the longer it will take your child to adjust, and the harder it will be for him or her to look forward to the future.
- 6.** how can I get the other parent to start following the guidelines we learned about today?
Focus on what you can control — that is, your relationship with your child. Though you may see plenty of room for improvement in the other parent's parenting, you will not be successful at telling him/her what to do. You can talk together about the guidelines, and how they made you feel, and what you hope can happen for your child and yourself, and see if that opens the door to conversation. You also can ask your former partner to join you in mediation or counseling to try to put some of the guidelines into practice. Mostly, you can try to behave well and see if your example encourages your ex-partner to act similarly to you.

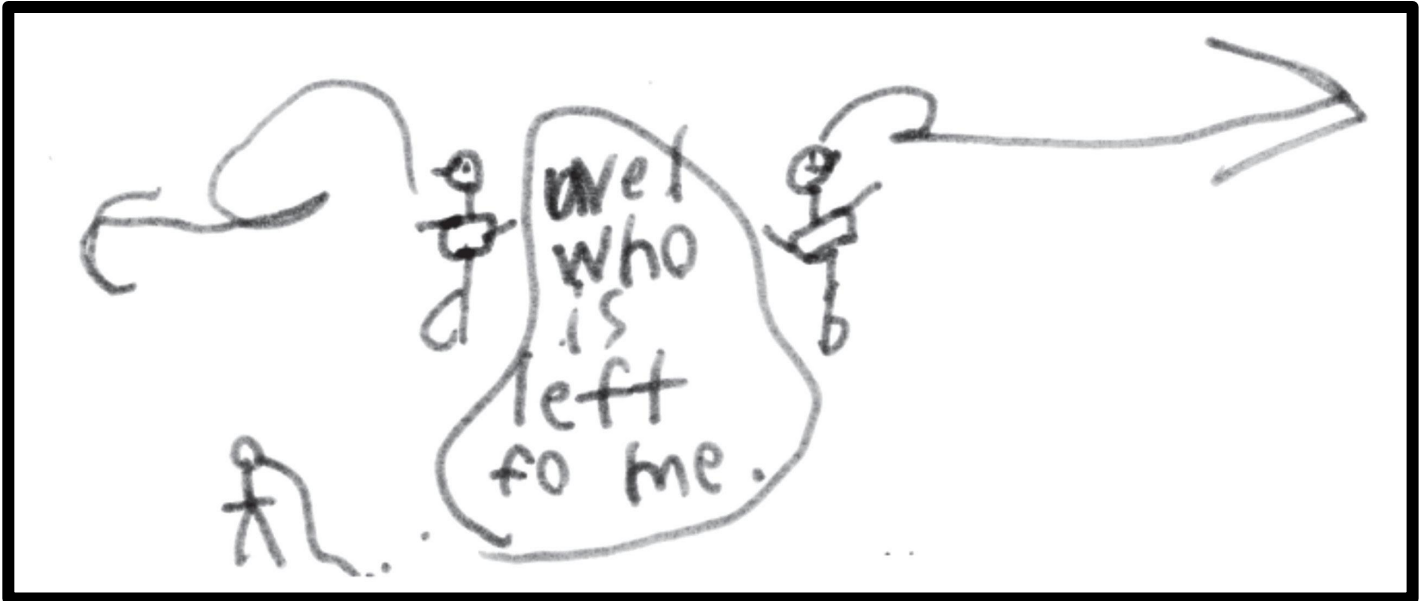
- 7.** You suggested that we make changes slowly. But it took my ex- and I forever to separate, and I am now involved in a good relationship with a new man/woman. I think this is the real deal and I want my child to know whom I am spending so much time with. Don't you think hiding the relationship is worse than introducing it?
Like all things related to separation and divorce, the best answer is "it depends." Generally, introducing someone too soon can make it much harder for your child and that person to have a relationship. Your child needs enough time that he or she doesn't feel disloyal to their other parent. If the new person comes in on the heels of the separation, he or she may be blamed — fairly or unfairly — for being part of the break-up. Also, you need time to make sure you are not just on the "rebound" — falling for the first person who makes you feel good at a time when you have been feeling really bad. Another break up will be hard on both you and your child. It will not hurt to take your time.

8. What if my child says he doesn't want to spend time with the other parent? Should I make my child go?

Remember, children will often say they do not want to go for a variety of reasons that have nothing to do with how they feel about the other parent. It is easy to jump to the conclusion that things are bad for your child with the other parent but it is best to check those assumptions out. Your child may have difficulty with the transition, may be reluctant to leave friends, may feel sad about leaving you or may be saying what they think you would like to hear. By encouraging your child to think about what they love best about being with the other parent you are giving him or her permission to care for that parent without being worried about hurting you. By considering your child's opinion about what is important to him or her in the parenting schedule you are allowing your child a voice (not a choice) that may give you some insight into their feelings. If there are strong negative feelings toward the other parent, or safety concerns, it may be the time to consult the local resource list for help.

Children adjust with time, routines, feeling valued, and becoming problem-solvers.

A Child's interpretation of divorce



Section 2-WORKSHEET

Recognizing Your Child's Temperament

Please circle the number that best describes your child .

1. Activity Level

Is your child always **moving, busy, or doing something**?

Level "4" describes children who may be: always wiggling, moving while eating, a bundle of energy, walks/runs fast or wildly, jumping on furniture, restless, gets overly excited

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

2. Regularity

Is your child **regular** or **unpredictable** in his or her eating and sleeping habits?

Level "4" describes children who may: get hungry or tired at unpredictable times, child struggles with changes in eating/sleeping routines

Level "1" describes children who may: get hungry or tired at predictable times

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

3. Approach

Does your child **move toward** or **shy away from** new situations and new people?

Level "4" describes children who may be: shy, cautious, need time to warm up to new experiences, child says they don't like things before trying them, shows fear in seemingly safe situations, avoids unfamiliar children, picky eater

Level "1" describes children who may be: friendly with strangers, easygoing when separating from parents, fearless in potentially dangerous situations, or may get lost in crowds or stores

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

WORKSHEET - Section 2

4. Adaptability

Does your child **resist changes** in routines, plans, or activities?

Level “4” describes children who may: have a hard time with changes in routine or activities, take a long time to adjust to new situations, screams or fusses at new activity, have difficulty in new classrooms each year

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

5. Intensity

Does your child **react strongly** to situations, either positive or negative?

Level “4” describes children who may be: dramatic and show strong emotions, laughs and cries loudly, yells with glee when excited, be energetic in physical gestures, respond loudly and strongly to everything

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

6. Mood

Does your child often express a **negative outlook**?

Level “4” describes children who may be: fussy, cry easily, get easily upset or frustrated, seem unhappy or very serious, pout and quit easily, show frequent mood shifts, get upset when caregiver leaves

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

7. Persistence

Does your child **give up** as soon as a problem arises with a task?

Level “4” describes children who may: play contentedly for only brief periods, ask for (or demand) help as soon as a task becomes difficult, get frustrated easily — even by simple tasks, get angry and give up, struggle to learn self-care skills (potty training, dressing), tend to stick with things they are naturally good at

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

Section 2-WORKSHEET

8. Distractibility

Is your child **easily distracted** from what he or she is doing?

Level “4” describes children who may: have difficulty focusing, (for babies:) be easily distracted by sounds while feeding, become sidetracked when given directions, have trouble concentrating on complex or lengthy tasks, leave belongings scattered about

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

9. Sensory Threshold

Is your child **very sensitive to physical sensations**, such as noises, lights, or food textures?

Level “4” describes children who may: react positively or negatively to certain sounds, startle easily, be a picky eater, like only certain types of clothing/fabrics, water temperature for bath or shower has to be “just right,” gets upset if clothes don’t feel “just right,” gets upset by loud noises

Never or Rarely	Sometimes	Often	Always or Almost Always
1	2	3	4

Look at any traits for which you circled a “3” or “4.” Ratings of “3” or “4” suggest that your child may have temperament traits that parents really need to pay attention to when deciding how to help children adjust to separation or divorce, and when creating Parenting Plans. These are also temperament traits for parents to keep in mind when it comes to many other parenting tasks — setting expectations, scheduling activities, teaching, discipline, etc.

Now look at any traits for which you circled a “1” or “2.” This pattern of temperament traits is sometimes referred to as “flexible” or “easygoing.” If your child has this temperament style, take care that it does not lead you to ignore, pay less attention to, or create parenting plans that are too complex or taxing for this child. “Easy” temperaments have their limits too.

FACT SHEET - Section 2

Age-by-Age guidelines: Children's Reactions and how to help

Each child develops at his/her own rate, but there are some basic guidelines for different ages. Children are likely to react differently to parental separation or divorce depending on their age. The kind of help you give must meet their needs at their developmental level. For children of different ages, guidelines are given for:

1. Typical Behaviors
2. Reactions to Separation or Divorce
3. Signs of Stress, possibly stemming from parental separation or divorce
4. Suggestions to Promote Children's Coping

If you are aware of typical behaviors for each age, you can figure out if a child's new or negative behavior is a "stage" or a warning sign that the child is stressed or reacting strongly to the parental separation/divorce.

i. Infants (0 - 12 months) and Toddlers (13 - 36 months)

Typical Behaviors: 0 - 12 months

- Cries to get what he/she needs
- Sleeps less each month
- Learns by tasting, touching, smelling, seeing, and hearing
- Develops attachments to caregivers with a sense of security or insecurity with each

Typical Behaviors: 13 - 36 months

- Begins to show independence by saying "no"
- Possessive, everything is "mine"
- Self-centered
- Has a short memory
- Gets into everything as an expression of curiosity
- Can make very simple choices, but cannot make many kinds of choices
- Pokey, plays with food and dawdles
- Can't sit still
- Wants to know "why" and "how"

Reactions to Separation or Divorce

Infants and young toddlers are vulnerable when parents separate because of their complete dependency on parents for meeting their needs. If parents are angry, depressed or absent, the infant or young toddler senses their parents' upset but is not able to understand what is happening.

Infants develop a sense of trust through receiving consistent and predictable caregiving. Any ongoing upset in routine can result in short-term stress for infants. If this stress continues, it can result in the child being unable to trust others.

Toddlers begin to develop confidence and feel good about themselves when their physical needs are met and when they are able to express themselves through language. Before children develop language, caregivers need to pay extra attention to changes in behavior, mood, sleep, and appetite to know if children are coping well or not.

Section 2-FACT SHEET

Signs of Stress (0 - 12 months)

- Sleeping, crying, and eating problems signal upset in an infant .
- Signs of severe stress are lack of energy, non-responsiveness, withdrawal, or intense upset — when the child seems “wired” .
 - **The most likely reason for these problems is a response to disruptions in routine or biological needs that aren’t being met . A child with a shy or fussy temperament will have more difficulties with changes than a child with a flexible, easygoing temperament.**

Signs of Stress (13 - 36 months)

- Child demonstrates numerous fears, irritability, withdrawal, anxiety, anger, clinginess, and/or a return to earlier-age behaviors that were already mastered . Examples of earlier age behaviors might be wanting only to nurse or use a bottle when they previously enjoyed feeding themselves, giving up on walking, having toilet training accidents, or using less language or more babyish language than previously .
- Fear of separation is shown by crying, clinging and prolonged (more than 20 minutes) inability to be calmed after transitions . Becoming more anxious and shy with a familiar caregiver may also be a sign of stress .
- At this stage, children still show stress through behavior more than words . Noticeable changes in sleeping habits or more frequent illnesses can also be signs of stress at this stage .

Suggestions to Promote Coping

- Keep routines consistent and predictable .
- For toddlers, help prepare for transitions by letting them know what is coming next . Toddlers need a very simple explanation and usually cannot understand time beyond today or tomorrow . For example, “Daddy will be moving to a new house . You will have toys there and a bed, just like at Mommy’s house . You will always have time there with Daddy, but not every day .”
- Provide regular and frequent contact with the other parent . Developing close relationships to both parents promotes healthy development in toddlers .
- Give your child a piece of one parent’s clothing to take to the other parent’s house . Children like the familiar feel and smell .
- Provide a special suitcase for taking to the other parent .
- Allow toys to be brought back and forth . Don’t forget the stuffed animal, pacifier, favorite blanket or other snuggle object .
- Have pictures of both parents available .
- Allow unrestricted telephone calls or Internet voice calls (e .g ., Skype) .
- Provide an audio or video recording of the other parent reading a story or singing a lullaby .
- Reassure your toddler by saying “I love you” while holding, nurturing, and cuddling .
- **Infants:** Frequent contact with both parents helps your child to maintain an image of each parent during separation . Meet your infant’s needs promptly and consistently .
- **18 months to 3 years:** Children at this age are better able to tolerate longer separations from their primary caregiver compared with infants, especially if older siblings are with them during the separation . Prepare your child for separations and transitions by explaining what will happen .

FACT SHEET - Section 2

ii. Preschoolers (3 - 5 Years)

Typical Behaviors: Age 3

- Tries to please
- Can be reasoned with
- Can talk enough to be understood about most concerns
- Feels and expresses sympathy
- Begins to share with other children
- Enjoys new vocabulary

Typical Behaviors: Age 4

- Enjoys being with friends more than adults
- Bossy
- Asks many questions
- Tattles
- Enjoys playing with words
- Uses words to shock adults
- Stretches the truth

Typical Behaviors: Age 5

- Friendly with children and adults
- Imitates grown-up behaviors
- Dependable
- Often demanding
- Children first become aware of guilt

Reactions to Separation or Divorce

Preschoolers cannot understand that separation is an adult decision that has nothing to do with them and their behavior. Preschoolers feel they control all that happens, and they ask: "What did I do to cause the separation?" They may express upset through clingy behavior.

Children are most likely to act up or express anger with the parent with whom they feel most secure. It is common for children to act very differently in the presence of each parent, adding to parents' confusion about why they view their child's behaviors so differently. This difference in the child's behavior may be her/his way of adjusting to difficult aspects of the separation, or may be just responses to different parenting styles and personalities.

Preschoolers need order and routine. Children at this age begin to identify differences between the sexes. A sudden absence of either parent may be felt or responded to differently by little boys than little girls. It is important that both parents continue to spend time with their children.

Section 2 - FACT SHEET

Signs of Stress

- Child demonstrates fears, irritability, anxiety, anger, clinginess, and/or a return to earlier-age behaviors .Behaviors might include persistent bed-wetting, baby talk, stubborn acting out, being “too good,” or withdrawing .
- Crying for long periods (20 min .or more), clinging and inability to be soothed after transitions .
- Emotionally needy on an ongoing basis; seeks constant nurturing and physical contact .
- Persistent problems with sleep, such as anxiety at bedtime, restless sleeping, frequent waking, or intense nightmares .
- Some children become very controlling or show signs of blaming themselves for problems in the family .
- Expressions of fear that he/she caused a parent’s departure .
- Confusion about “who, what, where or when” regarding daily schedules or expectations .

Suggestions to Promote Coping

- Encourage both parents to remain involved by spending time with their child .Children will adapt to longer separations from one parent through frequent time spent with the other parent .
- Parents thoughtfully decide what and how to tell children about the separation/divorce as events unfold, remaining sensitive to children’s limited ability to understand what is happening in the family .

- Keep routines consistent and remind children of the routine .
- Explain exactly what will happen as decisions are made: whether child will need to move or change schools, how often he/she will see the other parent .
- Allow toys to be brought back and forth .
- Match your words and your actions .Follow through on what you say will happen .
- Encourage frequent telephone calls or Internet voice calls (e .g ., Skype) .
- Allow time for adjustment at the beginning and end of visits .
- Encourage expression of your child’s feelings and support those feelings: “I understand that you are unhappy”
- Explore headaches and stomachaches, and nervous habits such as nail biting, because they can be a result of anger or anxiety .
- Expect some return to behaviors that were characteristic of a younger age, especially near transition times .
- Read stories about children whose parents have gone through separation or divorce .
- Encourage children to express feelings through drawing, painting, or play dough . Ask them to explain the story or what they have made and what it means to them .
- Let your child know he or she has your permission to love the other parent .
- Continue to remind your child that the divorce is not his/her fault .
- Reassure your preschooler .Say “I love you” often . Hold, nurture, and cuddle .

FACT SHEET - Section 2

iii. Early School-Age Children: 6 - 8 Years Old

Typical Behaviors

- Focused on the world beyond family
- Proud of school accomplishments
- Falls in love with favorite adult (e.g. teacher)
- “Doing” is more important than completing
- Concrete and rule bound: good and bad, right and wrong
- Involves self in fights and relationship triangles
- Wants attention from father or other male
- Critical of self and others (8 year olds)

Reaction to Separation or Divorce

Children of this age may feel a great sense of sadness because they are aware of the extent of the loss in their family. They are still caught up in “magical thinking” — the belief that if they “think it” hard enough, their wish will come true — and they may cling to fantasies of their parents getting back together. This fantasy can remain into adulthood.

This age group takes parental splits very personally. They feel that it is they who are being divorced or rejected. They are generally unable to appreciate their parents’ needs except for short periods of time. They fear being left, too. Since they may feel they were not good enough for the parent to stay, they fear being replaced by other children in that parent’s life. Children may long for the absent parent, often regardless of the quality of the relationship.

Children are most likely to express strong feelings, such as anger, with the parent with whom they feel most secure. A young child may express anger or be aggressive with the parent he/she lives with because of distress at the situation, but this should not be automatically interpreted as a sign of a problem in *either* parent-child relationship.

Signs of Stress

- Behavior problems — being aggressive, depressed, impulsive, or manipulative
- Persistent sleep problems — bed-wetting, baby talk or other immature behaviors can be more serious signs of upset and help should be sought when these are ongoing.
- Fears
- Frequent sadness, crying, withdrawn, feeling personally rejected
- Fantasies about parents’ getting back together
- School problems — concentration, daydreaming, difficulty with school work

Suggestions to Promote Coping

- Both parents remain involved in the child’s life and spend as much time with their child as possible.
- Parents thoughtfully decide what and how to tell children about separation and divorce, remaining sensitive to each child’s age and capacity for understanding.
- Support predictable and regular contact with the other parent.
- Reassure your children that the divorce is not their fault. Help them understand that the decision to divorce had nothing to do with them.
- Encourage your child to talk directly with each parent.
- Show interest in schooling and extracurricular activities.
- Allow time for adjustment at the beginning and end of time together.
- Encourage frequent telephone calls or Internet voice calls (e.g., Skype).
- Allow children to express their feelings creatively through drawing, painting, or play dough. Ask them to explain the story or what they have made and what it means to them.

Section 2- FACT SHEET

iv. Later School-Age Children (9-12 years)

Typical Behaviors: Ages 9 - 10

- Increased independence; Can be capable and self-directed
- At the same time, still obeys parents easily and naturally
- Starts developing more interests in friends; by age 10, more content with friends and the world in general
- Desires to have maturity respected
- Is a worrier
- Complains frequently, often about physical disturbances - stomach aches when told to go to bed, etc.

Typical Behaviors: 11-12 Years

- Time of rapid growth, particularly in girls, leading to increased appetite
- Inability to sit still
- Loud, blustering behavior
- Occasional to regular quarrels with parents and siblings
- Moody
- Enthusiastic and generous
- Yo-yo's back and forth from mature to childish behavior
- Girls may have a better relationship with dad than mom
- Same-sex peer relationships are very important; romantic interests may be developing for many children

Reactions to Separation or Divorce

The younger preadolescent child tends to see the world in absolutes: good or bad, right or wrong, black or white .Although these children will be able to see the divorce as the parents' problem, they are still likely to be angry about the inability of their parents to work it out.

Preadolescents are likely to take sides - often against the parent they think wanted the divorce .They will also offer themselves as a parental companion, especially if they see the parent as sad or hurting .

Sign of Stress

- Intense anger at the parent blamed for causing the divorce .May be more likely to experience loyalty conflicts or to side with one parent or the other
- School difficulties, such as drop in school grades
- Sadness
- Physical complaints, such as headaches and stomachaches
- Becomes overactive to avoid thinking about the divorce
- Wanting to be continuously with friends, to the exclusion of family
- Telling one parent what to say to the other parent
- Taking an "I don't care" attitude

FACT SHEET - Section 2

Suggestions to Promote Coping

- Parents thoughtfully decide what and how to tell children about separation and divorce, remaining sensitive to their child's age and ability to understand adult decisions .
- Both parents remain involved and honest with their child; avoid blaming one another .
- Avoid demanding instant closeness or loyalty to a new significant other .
- Ensure that children have some clothes, books, and special things at each home .
- Encourage children to make a tape or video of a special activity or skill, to give to the other parent.
- Encourage frequent telephone calls or Internet voice calls (e .g ., Skype) with the other parent.
- Provide access to e-mail for communication with the other parent and/or stepsiblings .
- Encourage activities and relationships with friends; allow child sometimes to take a friend when spending time with the other parent.
- Reassure children that you are available to them .Be around for them .
- Inform your child about what is happening and what will occur as family changes occur .
- Maintain consistent routines .
- Inform teachers of any stress your child is experiencing and seek help for school problems.
- Give children permission to continue loving both parents.

Section 2 - FACT SHEET

v. Adolescents

Typical Behavior

- Teens generally want to spend less time with parents and more with friends .
- Teens also like to spend time alone in their rooms, listening to music, for example .
- Teens experiment with different clothing and hairstyles .
- They try out different parts of “who they are.”
- Teens may change their group of friends more frequently than during the school age years .

Reactions to Separation or Divorce

When parents separate, teens often experience a wide range of feelings .Since teens routinely move toward separation from family anyway, parents’ separation creates anxiety about their future .“Will I fail in a relationship?”, “Can I believe in love?”, and “Will I be betrayed if I trust?” are all typical questions .

These anxieties may affect your teen’s development .For example, he/she might feel the need to avoid or rush into sexual relationships .Teens may be quick to assume a caretaking role of a parent, especially one they view as hurting or distressed .

Signs of Stress

- Range of challenging feelings: Anger, sadness or withdrawal, shame or embarrassment
- Change in relationship with one or both parent(s)
- Drinking and/or drug experimentation
- Drop in school grades
- Feels hurried to achieve independence
- Plays one parent against the other
- Adopts an “I don’t care” attitude
- Always tired; finds it hard to concentrate

Suggestions to Promote Coping

- Make yourselves knowledgeable about teens, and understand that their negative or different behavior may be due to changing needs, and not necessarily due to the separation .
- Think carefully about how you will answer your teen’s questions about who wants the separation or divorce, who hurt the other, and who is more upset .Do not feel you need to answer all questions completely and fully . Focus on moving forward as a family .
- Avoid making your teen your best friend or relying on him/her for company .
- Respect your adolescent’s wishes to be alone at times, but make sure she/he knows that you are available when he/she is ready to talk .
- Shared parenting plans reflect the importance of teens’ peer group and their natural desire to separate from family .Give teens a lot of input into the parenting schedule, but do not burden them with the responsibility for making final decisions .Understand that your teen may want to spend less time with either or both parents than you’d wish .
- Maintain discipline and limits while allowing for normal behavior that seeks personal freedoms and choices .Emphasize that there are consequences for their behavior . Communicate with the other parent to ensure that discipline is consistent .
- Be aware that there are consequences for your behavior as parents; teens will hold you responsible for your choices as you do theirs .
- Listening is a major part of parenting .If your adolescent asks for help, respond with care and concern; get help from school or professionals if needed .

WORKSHEET - Section 2

Reflective Questions

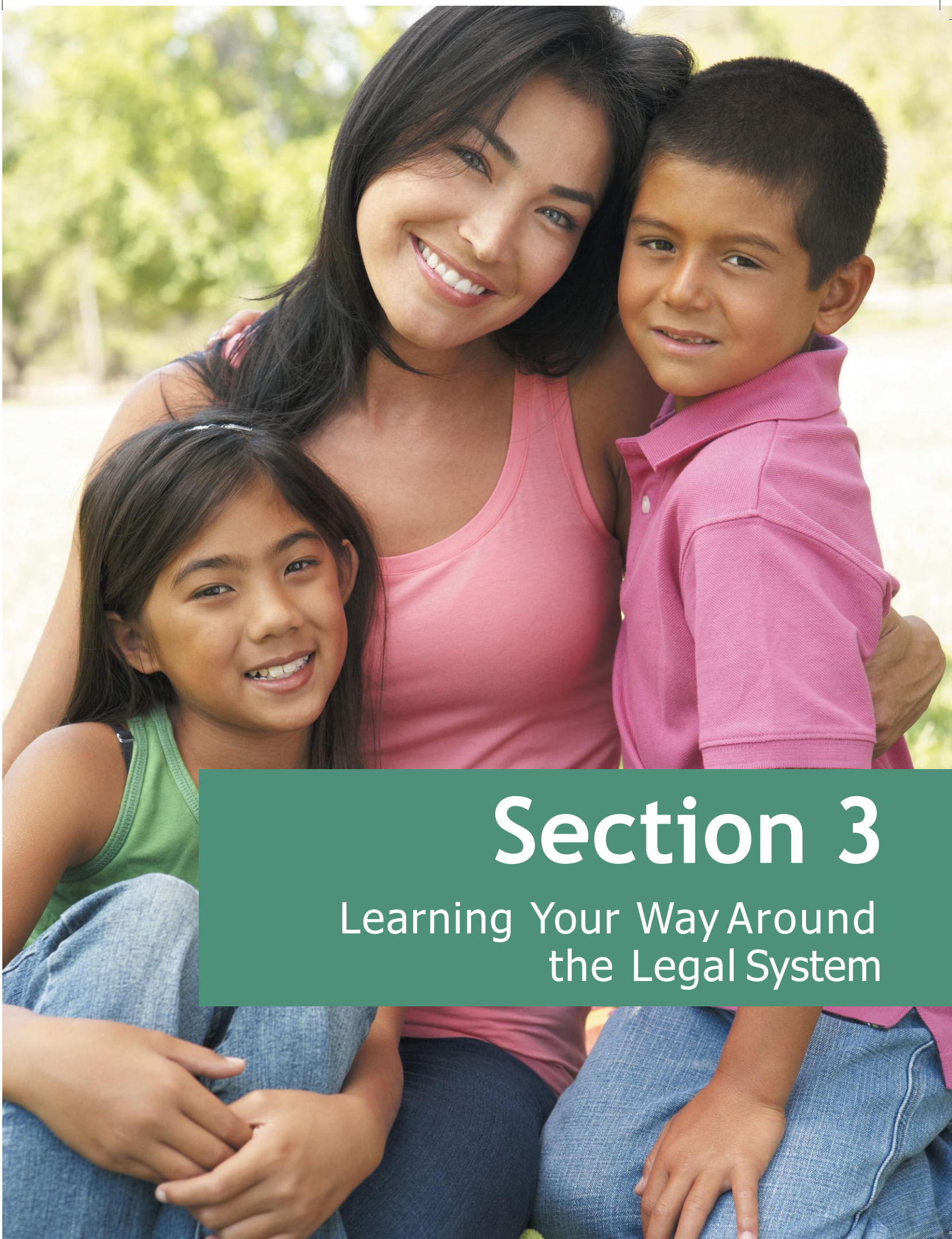
Based on the information you have been given about children during separation and divorce consider the following questions:

1. What must you and the other parent consider about your children's temperaments when working on your parenting plan?

2. Are there any behaviors you will change that may have put your children in the middle of conflict between you and the other parent?

3. What must you and the other parent consider about your children's ages when working on your parenting plan?

4. how can you help ease the exchanges between homes for your children?

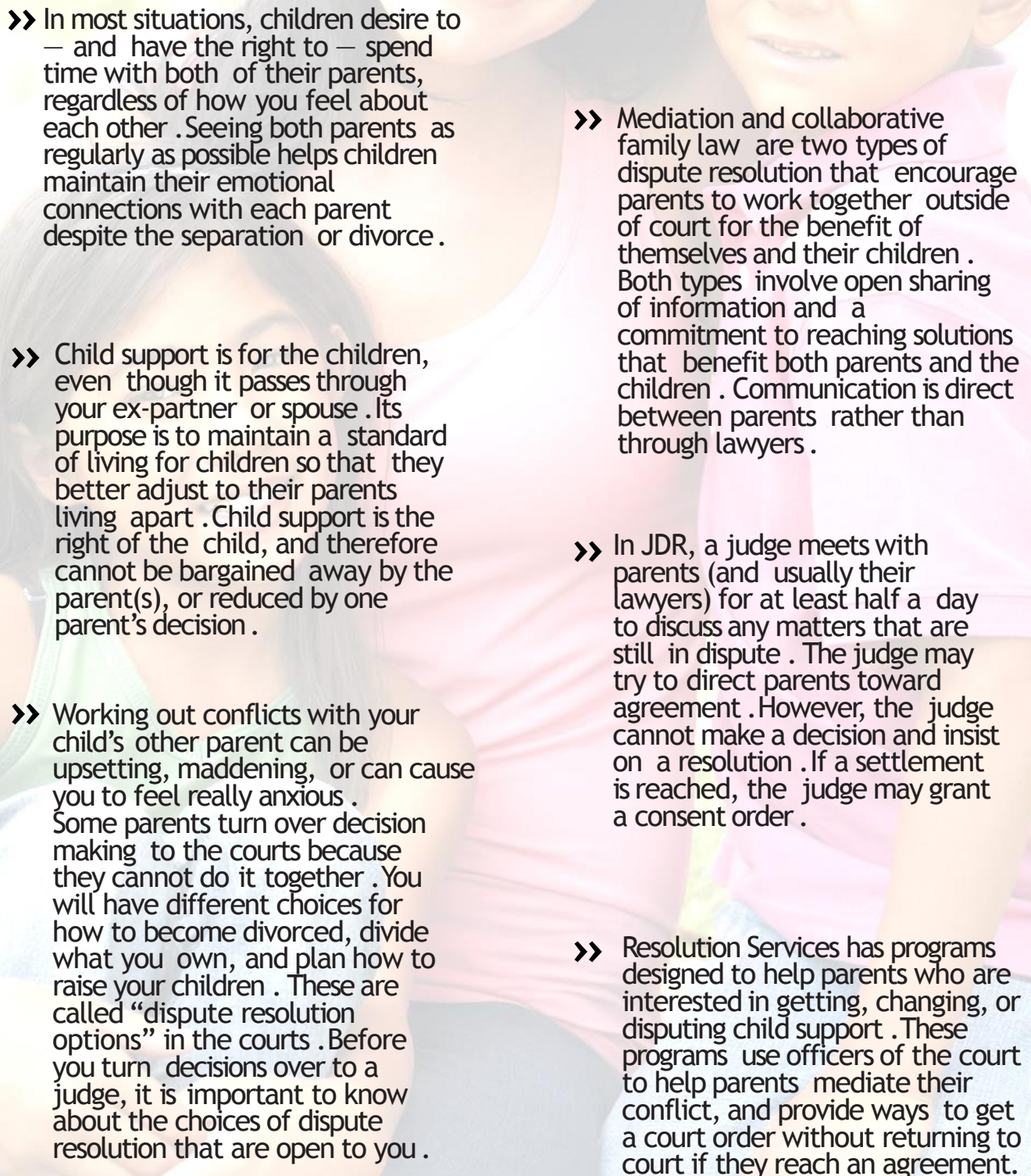


Section 3

Learning Your Way Around
the Legal System

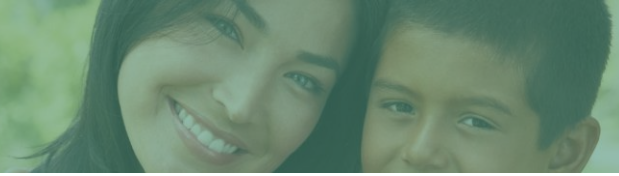
Section 3: Learning Your Way Around The Legal System

Key Points

- 
- »» In most situations, children desire to – and have the right to – spend time with both of their parents, regardless of how you feel about each other. Seeing both parents as regularly as possible helps children maintain their emotional connections with each parent despite the separation or divorce.
 - »» Child support is for the children, even though it passes through your ex-partner or spouse. Its purpose is to maintain a standard of living for children so that they better adjust to their parents living apart. Child support is the right of the child, and therefore cannot be bargained away by the parent(s), or reduced by one parent's decision.
 - »» Working out conflicts with your child's other parent can be upsetting, maddening, or can cause you to feel really anxious. Some parents turn over decision making to the courts because they cannot do it together. You will have different choices for how to become divorced, divide what you own, and plan how to raise your children. These are called "dispute resolution options" in the courts. Before you turn decisions over to a judge, it is important to know about the choices of dispute resolution that are open to you.
 - »» Mediation and collaborative family law are two types of dispute resolution that encourage parents to work together outside of court for the benefit of themselves and their children. Both types involve open sharing of information and a commitment to reaching solutions that benefit both parents and the children. Communication is direct between parents rather than through lawyers.
 - »» In JDR, a judge meets with parents (and usually their lawyers) for at least half a day to discuss any matters that are still in dispute. The judge may try to direct parents toward agreement. However, the judge cannot make a decision and insist on a resolution. If a settlement is reached, the judge may grant a consent order.
 - »» Resolution Services has programs designed to help parents who are interested in getting, changing, or disputing child support. These programs use officers of the court to help parents mediate their conflict, and provide ways to get a court order without returning to court if they reach an agreement.

SECTION 3

LEARNING YOUR WAY AROUND THE LEGAL SYSTEM



I. The Divorce Process and Legal Terminology

The amount and type of your involvement in the legal system will depend on a number of factors, including:

- What your needs are (e.g., filing a parenting plan, getting help making decisions, seeking enforcement of a plan that is already in place);
- How you and your child's other parent decide to resolve your disagreements.

Dilemmas you will face fall into 3 general categories:

- A. Determining how to make major decisions regarding care of the children
- B. Establishing living arrangements and parenting time
- C. Determining financial support of the children

A. Decision-Making Authority

- If married parents are getting a divorce, the term custody is used.
- Whether or not parents were married, each parent will generally be a guardian of the child. There are exceptions to this rule in a small percentage of unmarried parents.
- Parents who are guardians have joint decision-making authority, unless an agreement or a court order states otherwise.
- Joint decision-making authority means both guardians have the authority to make decisions affecting their children, including day-to-day decisions, residence, education, medical, religion, etc.

- If parental guardians have separated and cannot agree on decisions affecting their children, they can ask the court for a decision — called a parenting order.
- A parenting order can include: (a) which guardian has authority to make decisions on particular subjects; (b) parenting time given to each guardian; (c) process to resolve future disputes (if guardians agree on process).
- The “**best interests of the child**” is a standard used in family law to make decisions that impact children. All circumstances affecting the child are taken into account, and what is “reasonable” or “best” in one family's situation may not apply to other families.

B. Living Arrangements for the Children

Residence describes where a parent or child lives; it is not about who owns the property or whose name is on the title to the property.

- *Primary residence*: a child having residence with one parent for greater than 60% of the time over the course of a year
- *Split residence*: each parent having the primary residence of one child
- *Shared residence*: a child having residence with each parent 40-60% of the time over the course of a year (could be a 50/50, 40/60, or 45/55 split)

C. Financial Support for the Children

general Principles about Child Support:

- It is the responsibility of both parents to contribute to the cost of raising their children to the best of their abilities .
- Child support is the right of the child, and therefore cannot be bargained away by the parent(s), or reduced by one parent's decision.
- Child support is not tied to parenting time: you are expected to pay child support whether or not you are spending time with your child.
- If possible, the children's standard of living (what they are used to in terms of housing, education, or activities) should be kept the same after separation as it was before the separation.
- The children's needs take priority over most other expenses.
- The parent receiving child support is generally not required to account to the parent paying it how the support is spent .
- The parent receiving child support does not pay tax on the child support received, and the payor cannot claim child support paid as a tax deduction .
- The Court is required to follow the Child Support Guidelines when it makes a child support order, even if both parents do not want to follow the Guidelines .
- A judge makes the final decision about whether the child support arrangement is reasonable for the child .

Calculating Child Support

The Federal Child Support Guidelines: Step-by-Step provides detailed information about child support .You may use this web address to find the publication on the federal Department of Justice website: www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/pub/guide/index.html.

Before you begin using the child support table, you will need some basic information:

- Which table to use (based on the number of children receive child support) . Each province or territory uses a different table .
- Each parent's Guideline income .This reflects your actual income and may be taken from last year's tax returns or may be based on the income earned in the current year . Guideline income can be complicated by many factors and parents often require assistance to determine income for child support purposes .
- Parenting arrangements .

Once you have the basic information, you are ready to begin using the child support table . Family Justice Services (FJS) is available to assist you in child support calculations should you need it .See *Whom To Call* in the PAS Important Information section for FJS phone numbers .Also in the PAS Important Information section, is the following information related to child support:

- Canadian Federal Child Support Tables
- Calculation of Child Support Examples
- Getting Help with Child Support Calculations
- The Role of the Maintenance Enforcement Program

In addition to Base Child Support as determined by the tables, there may also be Section 7 or Special Expenses that are included as part of child support. Special expenses are shared between parents in proportion to their relative incomes. Such expenses include the net amount (after tax deductions and subsidies) of:

- Daycare;
- Health and dental insurance premiums;
- Health and dental expenses not reimbursed by insurance, i.e., glasses and braces;
- Extraordinary expenses for primary and secondary school;
- Extraordinary expenses for extracurricular activities;
- Expenses for post-secondary education.

Child Support Recalculation Program

Once parents have a child support court order or enforceable agreement in place, they may choose to register with the Child Support Recalculation Program (RP). If the child support order is eligible for recalculation under their legislation, RP will recalculate Base Child Support and shares of special expenses each year, so families can avoid asking the courts to review their child support. The timing of RP's recalculation is based on the anniversary of when the court order was granted. RP uses the parents' income tax returns and the child support tables to recalculate.

If you may want RP's services in the future, you should carefully review RP's eligibility criteria and word your child support order accordingly.

Further information is available at:
www.recalculation.gov.ab.ca

There are many ways to resolve your disputes besides litigation. Mediation and collaborative family law, for examples, support parents in making their own decisions.

II. Dispute Resolution Processes

A. Mediation

Mediation is a voluntary process .Parents meet with a mediator who remains neutral to them both and helps them communicate, develop options, clarify issues and focus on the future . The mediator does not make decisions, but assists parents in reaching an agreement .Most parents who try mediation are able to reach an agreement . Because parents make the decision, they follow through with it more often than when it is decided for them by the court .

Research shows that mediation is faster, cheaper and results in less conflict than going to court . Parents usually keep the agreement, and both parents and children are a lot happier .

B. Collaborative Family Law

Similar to mediation, the collaborative family law process is about cooperation instead of confrontation .Collaborative lawyers work with your former partner and you to understand what each of you wants, help you problem solve when you want different things, and reach an agreement that you both accept and think is basically fair .The two of you are responsible for gathering information and coming to solutions, but you each do it with the help of lawyers who work with you separately and together .

In collaborative family law:

- Parents and collaborative lawyers work together as members of the settlement team rather than working against each other as “opposing parties.”
- You will have control over your own decisions.
- You, your child’s other parent, and both collaborative lawyers will agree in advance to work only toward a settlement acceptable to both parents .Collaborative lawyers pledge not to go to court throughout the process .If parents choose to go to court, they will have to begin the process over with different lawyers .

C. Judicial Dispute Resolution (JDR)

In JDR, a judge meets with parents (and usually their lawyers) for at least half a day to discuss any matters that are still in dispute .The judge may try to direct parents toward agreement .However, the judge cannot make a decision and insist on a resolution .If a settlement is reached, the judge may grant a consent order that makes the decision legal, with paperwork to follow .

D. Child Support Resolution (CSR) and Dispute Resolution Officers (DRO) Programs

Two programs are offered in Edmonton and Calgary to help parents settle child support disputes before the Court of Queen’s Bench .In Edmonton, it is called *Child Support Resolution (CSR)* and in Calgary it is called *Dispute Resolution Officers (DRO)* .Parents who want the court to help them with child support matters, may be required to try one of these dispute resolution services first .

Frequently Asked Questions About the Legal Process

1. **What will happen in the court process?**
The flow chart handout in the book describes the steps most people encounter in the legal process. Your materials also include definitions of words used in the legal system that may be new to you (see *Glossary* in the Important Information section), and a description of choices available to you for helping you and your former partner to move through the legal system with as few economic and emotional costs to your child and family as possible.
2. **What does joint custody mean?**
When parents have *joint custody*, they will continue to make decisions about their children together. The term does not refer to the time parents will spend with their children. Often the child will live primarily with one of his/her parents, and the other will have *access*, or a legal right to spend time with the child. *Reasonable access* takes place whenever the parents agree to it in. *Specified access* holds the non-custodial parent to certain days or times in accord with a legal agreement or court order. *Shared custody* means the children will divide their time more or less equally between their parents' homes.
3. **What type of parenting arrangement is best for my child?**
There is no "one size fits all" parenting arrangement that works for all children or all families. Also, an arrangement that works well for your child today may not "fit" your child (or your family) in six months or a year. Your PAS handout, *Where to Find Other Parenting Plan Examples*, provides resources to help you make a plan that is sensitive to your child's age and needs.
4. **If I agree to shared parenting (and residences), won't I get less child support?**
How you and your ex-partner divide up time you will each spend with your children does have an impact on child support calculations. The idea is that if your partner wants shared custody, he/she will be spending considerable more time with the children and will be responsible for expenses when they are in his/her care. If the Court is asked to set child support in a shared parenting case, it will look at the expenses each parent pays for the children and the condition, means and circumstances of each parent. Consult a lawyer to decide if the change is a meaningful one for you financially and how the balance between caring for the children and child support is best handled between the two of you.

Children usually desire — and have the right — to spend time with both of their parents.

5. Can parenting time ever be denied by the Court?

In most situations, children have the right to spend time with both parents, regardless of how you feel about each other. In certain circumstances (for example, when a parent abuses/neglects a child, or abuses alcohol or drugs), the Court place conditions on the parent's parenting time to keep the child safe when he/she is with that parent. For example, the Court may order that the parenting time be supervised, or that the parent must not consume alcohol during parenting time. The Court will only deny parenting time in the most extreme cases.

6. What if my child's other parent makes my parenting time difficult or impossible?

Generally, a parent has no right to interfere with the other parent's parenting time. If a parent with primary residence refuses to allow the other parent to see the children, a court may specify steps that the parent who has made parenting time difficult for the other parent has to follow, perhaps even switching the children's residence if the interference continues.

Child support is the right of the child, and therefore cannot be bargained away by the parent(s), or reduced by one parent's decision.

7. Can I refuse parenting time to my child's other parent if he/she does not pay child support?

- No. Although it might seem like a fair exchange to you when you are angry or when you feel sympathetic for your child, *from a legal perspective*, parenting time and child support are *not* connected.

8. What if my income changes and I can no longer pay the same amount of child support?

- Parents often review their child support annually and make adjustments to the payments if changes have occurred over the year. When circumstances change, such as significant income increases or decreases, the parents may need to renegotiate child support right away.
- Using the tables and your new income, determine the child support amount and discuss this with the other parent to see if an agreement can be reached about a change in payment. You may choose to use a form of dispute resolution to assist in the discussion such as mediation or early neutral evaluation.
- If there is a court order in place that sets out your child support obligation you may decide to have that order revised. Resolution Services or your lawyer can assist you with this. It is essential to vary your court order if the Maintenance Enforcement Program is being utilized as they must enforce the order as written.
- You may be eligible for the Child Support Recalculation Program (RP), which adjusts child support based on the parties' income tax information. RP does adjustments only once per year, based on the anniversary of when the child support order was granted.

9. **For whom does mediation work best?**
Family mediation is successful in resolving conflict over various concerns between parents. Parents settle between 50-90 percent of the time –with most reports showing about 80% success and high satisfaction with the process. Mediation is effective whether it takes place early or late in the legal process, though most experts agree that beginning mediation earlier is most beneficial.

There are situations when mediation is not successful. When one or both parents distrust each other very strongly or do not approach the process fairly (e.g., hold back important financial information or information about the child), it is less likely that an agreement will be reached. When there is high (but non-violent) conflict between parents, specialized mediation programs designed for these situations work best. When there is a history of family violence, mediation is usually not recommended; but sometimes it can still work well for families IF the mediator: (1) addresses power and control concerns and ensures that both parents can participate safely; and (2) has specialized training in working with families with a history of family violence.

It is the responsibility of both parents to contribute to the cost of raising their children to the best of their abilities.

10. **How do I find a mediator?**
Alberta Justice offers mediation services to families, without charge to those who qualify.

For more information visit www.rcas.alberta.ca

If you choose to find a private mediator, you can:

- Ask your lawyer or counselor to suggest a mediator.
- Ask friends or co-workers who have been to mediation to suggest a mediator.
- When choosing a mediator, ask if he or she is a member of a professional mediation association, such as Family Mediation Canada, Alberta Family Mediation Society, or Alberta Arbitration & Mediation Society.

For more information on how to find a mediator see the **Mediation Information Sheet** at the end of this manual

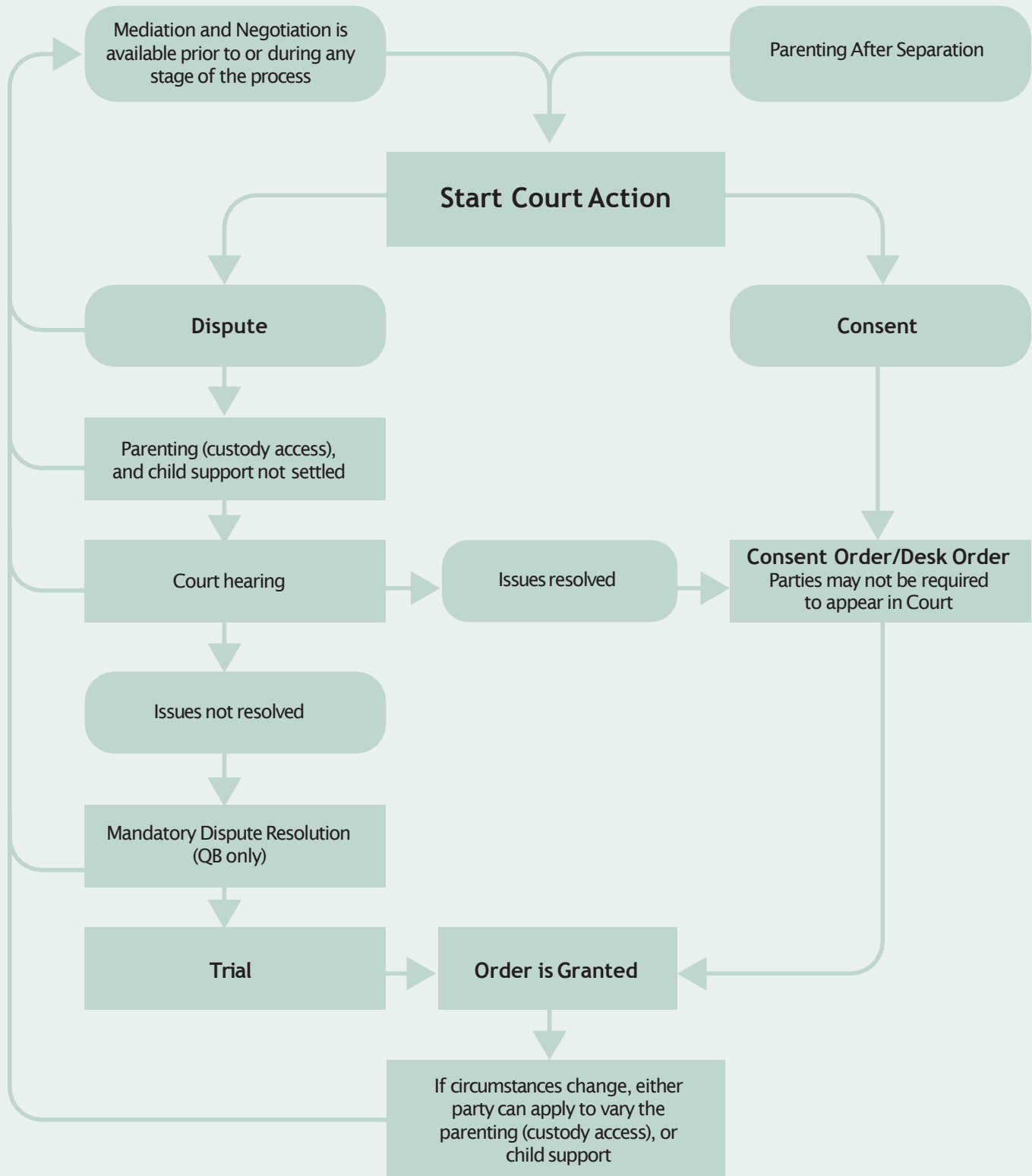
11. **How do I find a collaborative lawyer?**
Look online to www.collaborativelaw.ca.
- Ask a mental health counselor specializing in divorce to suggest a collaborative lawyer.
 - When choosing a collaborative lawyer, ask if she or he is a member of the Association of Collaborative Family Lawyers in their province.

12. What is the difference between mediation and collaborative family law?

- In mediation, a third person who stays neutral assists you in reaching decisions .In collaborative family law both parents are represented by lawyers .
- In mediation, lawyers are not present in most sessions .The mediator does not give legal advice or advocate for either parent . Agreements are prepared by the mediator, and then parents may review the agreements with lawyers before submitting to the Court .Lawyers are present throughout the collaborative law process .
- Mediation has been used most often in low to moderate conflict situations; higher conflict couples who want to stay out of court may find collaborative family law more appropriate for their situation .

Section 3 FACT SHEET

Steps in the Court Process



FACT SHEET Section 3

Dispute Resolution Processes

The Courts are very supportive of families working together to establish their parenting agreements through collaborative, honest discussion early in the separation process.

Dispute Resolution Options, Ranging from Direct Control to Judicial Decision Making

1.	2.	3.	4.	5.	6.	7.
Your Own Kitchen	Mediation	Collaborative Law	Early Neutral Evaluation (DRO/CSR)	Judicial Dispute Resolution	Parenting Coordination	Trial
Parties have control over decision making <<<			>>> Parties give control over decisions to the court			

Typically, parent disputes are about:

- parenting time
- child support
- spousal or partner support
- property division

STEPS IN DISPUTE RESOLUTION

Step 1

Choose the dispute resolution process that seems best for you and the other parent. The decision to choose the best option depends on several factors, including whether a decision is needed urgently. Each DR process is based on its own rules. If the other parent and you cannot agree on the process to use, then you will likely wind up bringing the issue to court for a judge to decide through a process known as litigation.

Step 2

Work through the process you chose, and try different processes when you get stuck. Some couples use one type of process to agree upon as many of their conflicts as possible, but sometimes they cannot agree on everything or the first process breaks down. You can then choose a different process. For example, your partner and you might start in mediation, and then move to a collaborative law process to resolve your remaining disputes.

Step 3

Document the agreement. Parenting and child support arrangements can be documented in either a written agreement or court order; however, a court order is the most common.

Section 3 FACT SHEET

EXPLANATION OF THE DISPUTE PROCESS OPTIONS

- *Your Own Kitchen Table*

This is when you and the other parent sit down and work out your own private agreement without the help of anyone else. The risk of using this option is that if in the future one of you becomes unhappy with the agreement, the agreement could break down and/or be challenged.

- *Mediation (Facilitative)*

During mediation the mediator leads and focuses the discussion, and does not support positions of one parent or the other or any particular outcome. The mediator does not give legal advice, and has no authority to order an agreement. Any settlement reached between the parents will be written into a “Mediated Agreement” document. That “Mediated Agreement” document is not a legal document, but can be the basis for a child-support court order or parenting agreement that is enforceable by law (also called “legally binding”).

A Mediated Agreement about property division or spousal support will need to be turned into a contract written by a lawyer so that the agreement is final and enforceable by law.

Mediation is one of the services offered by Resolution Services www.rcas.alberta.ca

- *Collaborative Law (CL)*

CL is similar to mediation, as it is based on beliefs that parents can reach their own decisions and find agreements that work for all family members. However, in CL, each parent has a lawyer, who gives legal advice and supports his/her interests during the negotiation. The lawyers also prepare the paperwork to make any agreement legally binding. These lawyers are not allowed to represent either parent if the parents cannot reach agreement and decide to litigate (take their conflict to courts for a judge’s help in deciding); this provides a strong reason for parents to work harder to settle their disputes.

One way that collaborative law is especially helpful is that both parents hear the legal advice and opinions being given at meetings that involve both parents and both of their lawyers, so you do not get “one-sided” legal advice or the other spouse’s “version” of what his/her lawyer said.

A neutral parenting expert and a neutral financial expert are sometimes hired in the collaborative model to work together with the parents and lawyers as a larger team. Often, each parent will also hire a divorce coach to help him/her prepare emotionally for meetings, so that each meeting is as smooth and effective as possible.

- *Early Neutral Evaluation (Dispute Resolution Officer (DRO) and Child Support Resolution (CSR) Programs)*

The Court’s Resolution Officer will direct parents toward an outcome that he/she feels would be the best outcome for the children and family based on all the information available. The Resolution Officer has no authority to impose an agreement if parents get stuck and cannot agree.

FACT SHEET Section 3

- *Judicial Dispute Resolution — (JDR)*

In JDR, a judge meets with parents (and usually their lawyers) to discuss the conflicts that have not been settled. As in Early Neutral Evaluation, the judge will direct parents toward agreement. However, the judge cannot make a decision and impose an agreement. If a settlement is reached, the judge may grant a consent order, with paperwork to follow.

- *Parenting Coordination (PC)*

Parent coordination is an alternative way to resolve disputes in high conflict situations. Parent coordinators become involved after a parenting plan is in place, either by written agreement or court order.

Parents may, for a fee, hire a parent coordinator for a specific length of time when:

- They need help starting and working with the parenting plan that is in place
- Other types of dispute resolution or problem solving have been unsuccessful
- There are concerns about drugs, alcohol or child abuse
- The hostility between the parents remains high
- They have challenges effectively sharing information about their child

- *Court Hearings or Trial*

A trial results in both parents (or their lawyers) presenting their case to a judge, and leaving it to the judge to decide how their conflicts should be resolved. Court Hearings or Trials can be useful when one parent is being unreasonable and refuses to compromise or offer a solution that seems fair to both parents. However, it is also costly in terms of money and emotion.

Most experts agree it is best for parents to maintain as much control over their own process as they possibly can, and to use less costly ways of solving disputes before falling back on court hearings.

Section 3 WORKSHEET

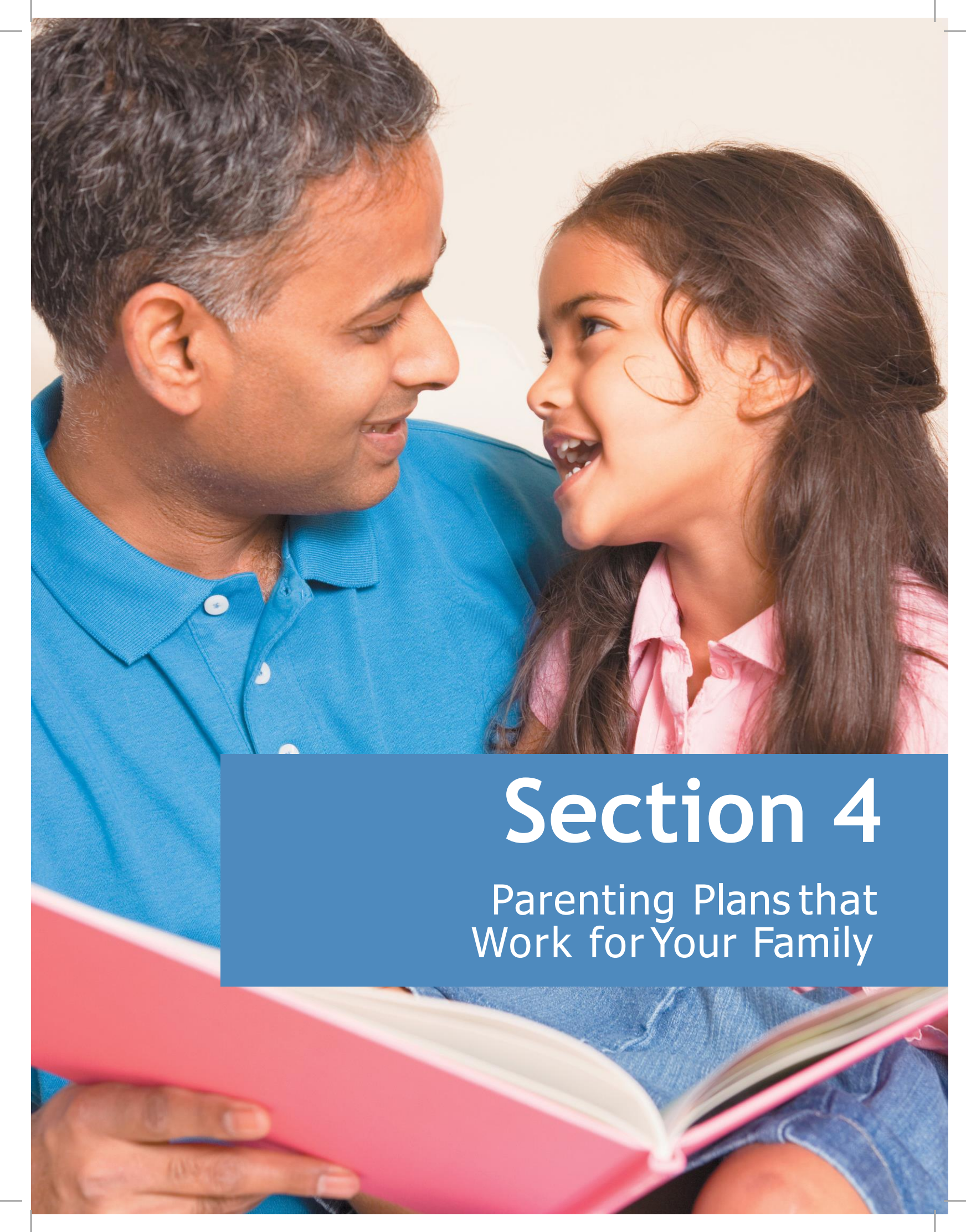
Reflective Questions

Based on the information you have been given about the types of decisions parents must make about legal issues, consider the following questions:

1. Is there anything that will need to be clarified between you and the other parent about calculating the amount of base child support?

2. What are the Section 7 Expenses for your children that need to be included in your parenting plan?

3. Based on the continuum of dispute resolution options, which would be your best method to work on your parenting plan decisions from now on? how will you make this suggestion to the other parent?



Section 4

Parenting Plans that
Work for Your Family

Section 4: Parenting Plans That Work For Your Family

Key Points

- » Parenting plans are most useful when they meet children's needs at whatever ages they are – but are also practical – that is, parents can make the plans work .
- » Many children want their voices to be heard during the separation or divorce . Most children will want to say what is important to them but not to have to choose which parent they get to live with most of the time . Parents can listen to what children say they want, while making it clear to their children that the final decision rests with them alone . This will protect your children from feeling guilty later, and it reminds them that you are still the parents and they are still the children .

- » As part of your parenting plan, build in regular times for each parent to spend time alone with each of your children . Children treasure this time and are more likely to talk about what they're feeling when they have time alone with a parent . Remember that time together is more important than the activity itself . Hanging out time is important to children of all ages .
- » Strive for a balance of consistency and flexibility in your parenting schedules . Children will find it easier to see both of you when you follow a routine, and when you honor your commitments to your child by showing up on time . But it is also important to make room for changes in schedules that will arise because of parent work schedules, special family events, or children's activities . Your child will learn about how to cooperate with other people from what he/she watches as you work out the schedule with the other parent over time .

SECTION 4

PARENTING PLANS THAT WORK FOR YOUR FAMILY



I. WHAT IS A PARENTING PLAN?

A parenting plan is an agreement between parents on how they will raise their children after they have separated.

A parenting plan describes how parents will:

- Make major and daily decisions about their children;
- Specify a schedule for where their children will live and when;
- Provide for the physical, emotional, psychological, and spiritual care of their children;

- Adapt to the changing needs of their children;
- Make clear what they expect of each other, especially about what they will each do to care for their children;
- Describe how they will handle disagreements that arise.
- Communicate with each other about the children.

II. Parts of a Parenting Plan

A. Decision Making

The parenting plan specifies who makes the major decisions affecting your child .It gives parents clear authority for making big decisions about education, health, and religion, and states whether parents will be making decisions together or one parent will have more authority for making certain kinds of decisions .

Deciding which parent will make particular kinds of decisions can be based on:

- The way in which major decisions were made between parents before the separation
- Degree of cooperation between parents
- Each parent’s ability and willingness to participate in future decision-making
- Each parent’s expertise or area of knowledge (for example, one parent who is an EMT; the other parent who is a Special Education teacher with reading specialization)

B. Parenting Time Schedule

A *residential schedule* specifies parenting time for each parent; that is, when the children will be in the care of each parent .Schedules are most useful when they are specific, detailing the amount of time children will spend with each parent during:

- school year
- summers
- holidays, vacations, and special occasions such as birthdays and mother’s/father’s day

The idea is to create a schedule that is all about what your child needs but also considers:

- What agreements are in place now
- Who has performed what parenting functions in the past
- Ability and willingness to perform parenting roles in the future

- Child's relationships with siblings, grandparents, teachers, friends, etc .
- Child's environment and interests (school, hobbies, sports, etc .)
- Child's temperament
- Child's voice (not choice)

C. Dispute Resolution

At Resolution Services, we highly recommended that parents identify a dispute resolution process to follow (and include in the parenting plan) if they disagree on how to handle a particular issue . **Review options in section three of this manual.**

D. Finances: how Will the Child's Expenses be Paid?

Parenting plans also specify how various child-related expenses will be covered, including:

- Regular activities and schooling
- School or club uniforms, sports equipment
- Travel (e .g ., to parents, grandparents) and school trips
- Large items (e .g ., bicycles, computers, musical instruments, driving lessons)
- Allowance

E. Future Changes to the Plan

It is wise to specify how you will go about changing the plans as children's needs or adults' circumstances change .Parenting plans clearly state:

- How the other parent will be informed when the need for change arises;
- How parents will build in reviews of the arrangements when changes occur;
- Who parents will seek help from if they are having trouble making a decision (common examples: counselor, family therapist, or mediator); if someone has been helpful in the recent past, specifying who you will turn to and for how many times before either of you consults a lawyer or goes to court can help keep conflict and legal costs low .

Asking children for their input helps them to feel respected, that their feelings matter, and that they are not powerless.

III. One Way to Develop a Parenting Plan

A. Approaches

If parents can work together in developing the plan, the job of raising their children after divorce will be easier. If that is not possible, parents may develop separate plans that they each favor and then meet to discuss their proposals and see if they can find common ground for a plan they both agree to try. Some parents are able to develop a plan on their own, while others use lawyers or mediators.

B. Guidelines for Discussing Parenting Plan Proposals

(adapted from Hartson and Payne, 2006)

- If each parent is proposing their own plan, fine-tune your proposal so that your ideas are clear before meeting with the other parent. Try not to become too attached to your plan before your meeting, so that you can keep an open mind to the ideas of the other parent.
- Remember that the Parenting Plan is for the well-being of your children. You might not like some of the ideas the other parent is suggesting or you might think that part of the plan benefits the other parent more than you, but ask yourself whether those parts of the plan benefit your child.
- Focus on Communication in Separation (FOCIS is a free course offered by Justice and Solicitor General to help parents develop their skills for these types of discussions. To find more information about FOCIS visit the Resolution and Court Administration services website: www.rcas.alberta.ca
- When you meet to discuss your ideas, decide what topics will be discussed and make time limits for discussion. Each parent has equal time to speak, but not unlimited time. This will help the discussion to stay on track.
- One way to start a meeting is to let each parent present their ideas about the agreed upon topic without discussion or interruption, and then to take a short break.
- Next, each parent reads the other's plan or ideas — again, without discussion. While you are reading, note what is similar and different between the two plans.
- Next, each parent takes equal time to discuss pros and cons of the proposals.
- When an agreement is reached for most or all of your topics, discuss how you will know if the parenting plan you agree on is working well or not.
- Once you reach agreement, write out the plan that you agree to follow. You can write it out together or have one person do it and send to the other. Both of you should read the agreement carefully to assure that it accurately reflects what was decided. The final agreement can be written up using forms from Resolution Services or a mediator or lawyer.

As children move between homes, they need help making the transitions.

IV. Parenting Arrangements

A. Parenting Time and Decision Making: Things to Consider

Shared parenting arrangements benefit children's and parents' adjustment to separation and divorce in general.

- Shared parenting leads to both parents staying involved, which has direct benefits for children and the family's economic stability.
- Shared parenting gives both parents the opportunity to get help and support from the other.
- Children report less missing and longing for the non-residential parent many years later .

But shared parenting arrangements do not work well for all families .

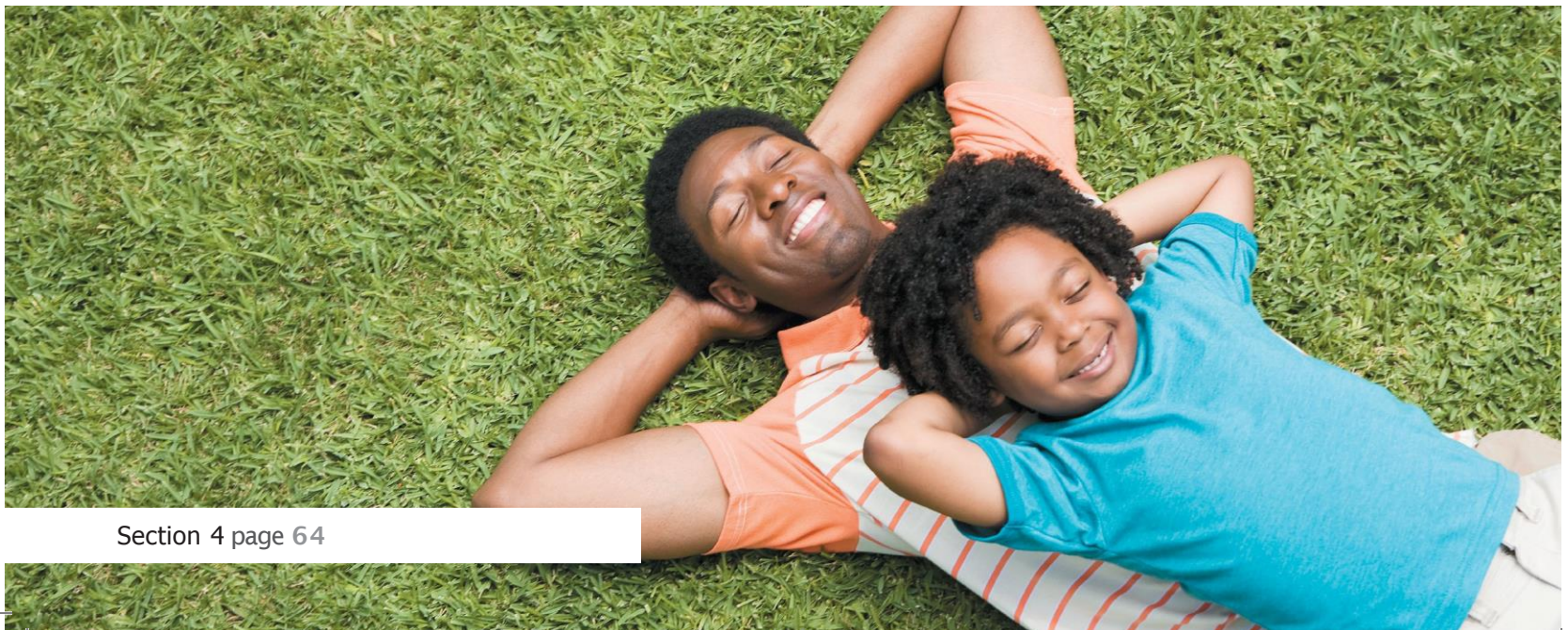
- When parents are in ongoing conflict, shared parenting arrangements do not heal the relationship, and instead, children are caught in the middle of the fighting more often .
- Shared parenting works best when both parents are reasonably healthy people, cooperative and polite to each other, and able to keep children's interests front-and-center.

B. Parental Access: Things to Consider

Experts in the field of family law do not always agree about the best age and schedule for young children to spend overnights with the less-seen parent .Experts especially disagree about “best” parenting schedules for infants and toddlers .But there is agreement on this point:

Spending regular time with both parents (except in instances of domestic violence/abuse/neglect) is desired and healthy for children of all ages.

- This means that parents must create a schedule that has room for both parents' time with their child and opportunities to become comfortable, skilled caregivers .
- Some experts suggest that having overnight care fosters closer parent-child relationships that are more likely to last through the stresses of divorce .However, there is a cost to the child when the overnights make it difficult for the child to maintain routines .
- Infants need enough time with each parent to build secure attachment relationships .For them, it is critical to involve both parents in childrearing as soon after parental separation as possible .



V. giving Children a Say

Asking children for their input, and really listening to what they say, will help them to feel cared about and respected, and will help them to overcome feelings that they are powerless in a changing world. Often, parents forget that children — like adults — find it upsetting to be given no say at all about how they will spend their time. However, it is important to give children a voice, not choice. It is not in children's best interests to make any final decisions about their care. Making final decisions is the responsibility of the parents.

Recent research has shown that when children are asked for their input (versus left out completely) during the process of mediation:

- Parents and children are more satisfied with parenting agreements and are less likely to change them;
- Parenting arrangements are more stable;
- Parents are less likely to go back to court over parenting matters;
- The quality of family relationships (between parents, father-child, mother-child) tends to improve over time.

Parenting plans describe how parents will make decisions, share parenting time and expenses, and handle changes or disagreements.

Parenting Plan Outline

_____ and _____
the parents of

Child 1 Name _____

Child 2 Name _____

Child 3 Name _____

Decision Making

- 1 .Who has responsibility for making the day-to-day decisions .
- 2 . How major decisions are made and by whom .
- 3 . How disputes will be resolved in the future

Parenting Schedule

Day-to-day Schedule

- 4 . Day-to-day parenting schedule
- 5 . Details of exchanging parenting time .
- 6 . How a parent can contact the children when they are with the other parent .
- 7 . Method used to make changes to this schedule and amount of notice required .
- 8 . Child care (regular and occasional) . The circumstances in which one parent will first contact the other when requiring occasional child care .
- 9 . Extracurricular activities schedule and responsibilities of each parent with regard to the activities .

Holidays and Special Occasions

- 10 . Calendar holidays
- 11 . Summer vacation
- 12 . Birthdays and other family events
- 13 . School holidays

Travel

- 14 . Expectations regarding communication and limitations for travel with the child(ren) outside the city, province, and/or country .
- 15 . Passport arrangements

Mobility

- 16 .Any decisions regarding if or how a parent may move with the child(ren) .

Communication

- 17 .How information about the children is to be shared .
- 18 .Guidelines for communication between the parents .

Involvement of Significant Others

- 19 .How people who have a significant relationship with the child(ren) will be included in the children’s live (ie . Grandparents, step-siblings) .
- 20 .Introduction of new partners .

Financial Support of the Children

Child Support – Basic Child Support

- 21 .Information used to calculate child support such as amount of annual income that has been either verified or agreed to .
- 22 .Basic child support amount — either based on the Federal Child Support Guidelines or a statement that the parties have agreed to deviate from the Guidelines .Rationale for deviation should be included if parties so choose .
- 23 .Payment schedule/date
- 24 .Start date of payments
- 25 .When child support will be concluded or reviewed
- 26 .Method of payment (i .e . Post-dated cheques, email transfers, MEP)
- 27 .Registration with Maintenance Enforcement Program or Child Support Recalculation Program

Child Support - Special Expenses

- 28 .Section 7 expenses — what is and what is not extraordinary as defined by the parents or how they will make these decisions;
- 29 .method of payment including receipting and/or MEP
- 30 .Review date for reassessing child support amounts

Other

- 31 .Special/unusual financial arrangements for the children

Frequently Asked Questions About Parenting Plans

- 1. Is a parenting plan always necessary?**

Negotiating a detailed parenting plan is strongly encouraged, and it can protect you legally if problems arise. The court can look and see what is already in place, which is usually the basis from which to make changes. Also, creating a parenting plan now will lead to fewer co-parenting difficulties later because you will have already thought through the ins-and-outs of how you will continue to raise your child after separation. Creating a developmentally sensitive and thorough parenting plan now is a way to think carefully about your children and how you will continue to parent them separately and together.
- 2. If we are not using mediation or a collaborative family law approach, do we still need a parenting plan?**

Developing a parenting plan is recommended regardless of the legal approach you choose for separation or divorce. You can always ignore it if you are working together well, but if you need it, you will be glad you have it.
- 3. How can a parenting plan be enforced?**

If problems arise, you can first go to the person (mediator, counselor, lawyer) who you specified in your plan as someone who could help. Ideally, both parents will go together with the intent of working out the problem. Often when a parenting plan is not being followed it is because it doesn't meet the needs of one or both of the parents. Discuss possible adjustments to make the plan more workable. If that doesn't work, parents can discuss the problem with a lawyer and/or use Family Justice Services or the court to require the other parent to stick to the plan that is in place. Sometimes the court will make an order that requires the parent(s) who is not complying to follow the plan, will request more information or an evaluation of the issue, or will require the parent(s) to give time or money as payback for what was not given in accordance with the plan.

4. When should my child begin overnight stays or longer visits with the nonresidential parent?

There is no one answer to this question. It depends on your child's age, temperament, how you and your ex-partner are getting along, and many other factors. Almost every expert agrees that by three years old, overnights are highly desirable. Many experts think it is fine to start them when children are infants if parents handle them sensitively (around the child's eating and sleeping schedules) and if the less-seen parent is very familiar with the child and his or her routines. Most of all, if parents and children are connected with each other — that is, the parent wanting overnights has been involved in the child's care and the child recognizes him or her and responds to his or her presence, then it is more likely that your child will benefit from overnights. Longer stays should be introduced gradually, with parents monitoring how children are responding. Often, the schedule will seem too long for one parent and too short for the other. Time spent together on a very regular basis (daily if possible), with some overnights sprinkled in so that the less-seen parent and child can get to know each other in the special ways that night provides for bathing, sleep, and eating routines, are generally acceptable to parents as a good starting point.

5. At what age should children be given a say?

Even very young children can say what they prefer on small matters — for example, which toys to bring to their new home, or what color to paint their new room. School age children should be given a voice about which social activities they do not want to miss, or which sports they prefer. Adolescents usually desire to express their ideas on bigger matters — for example, where to go to school and where to be on weekends.

Many courts begin taking children's choices into serious consideration by 12 years of age. However, the appropriate age for asking for children's input depends on the child. If you aren't sure about how to give your children a voice without your children saying what they think adults need to hear, you should ask for help from Resolution Services or private counselors.

6. At what point in the process should a child be asked for their input, and about what?

Some children will have strong opinions from the get-go and others will need to see what a new situation feels like before knowing how they feel and expressing it . A mediator or child development specialist can be very helpful, and it would only take 1-2 meetings to get a professional opinion . Children also will give you clues about when they are ready to talk .Just follow their lead.

Children should not be asked if there should be a separation or divorce, or with which parent they want to live . Putting a child in one of these positions is stressful . Other than this, children can be asked for their opinions on many topics . Younger children may be asked about simpler choices, whereas older children may be asked about more complex choices, such as the schedule of spending time with each parent .When talking to children about their ideas, parents should remind children that final decisions are a parent’s responsibility.

7. What if there has been serious fighting in my house? My child’s other parent still wants to see him or her, but it feels dangerous to me.

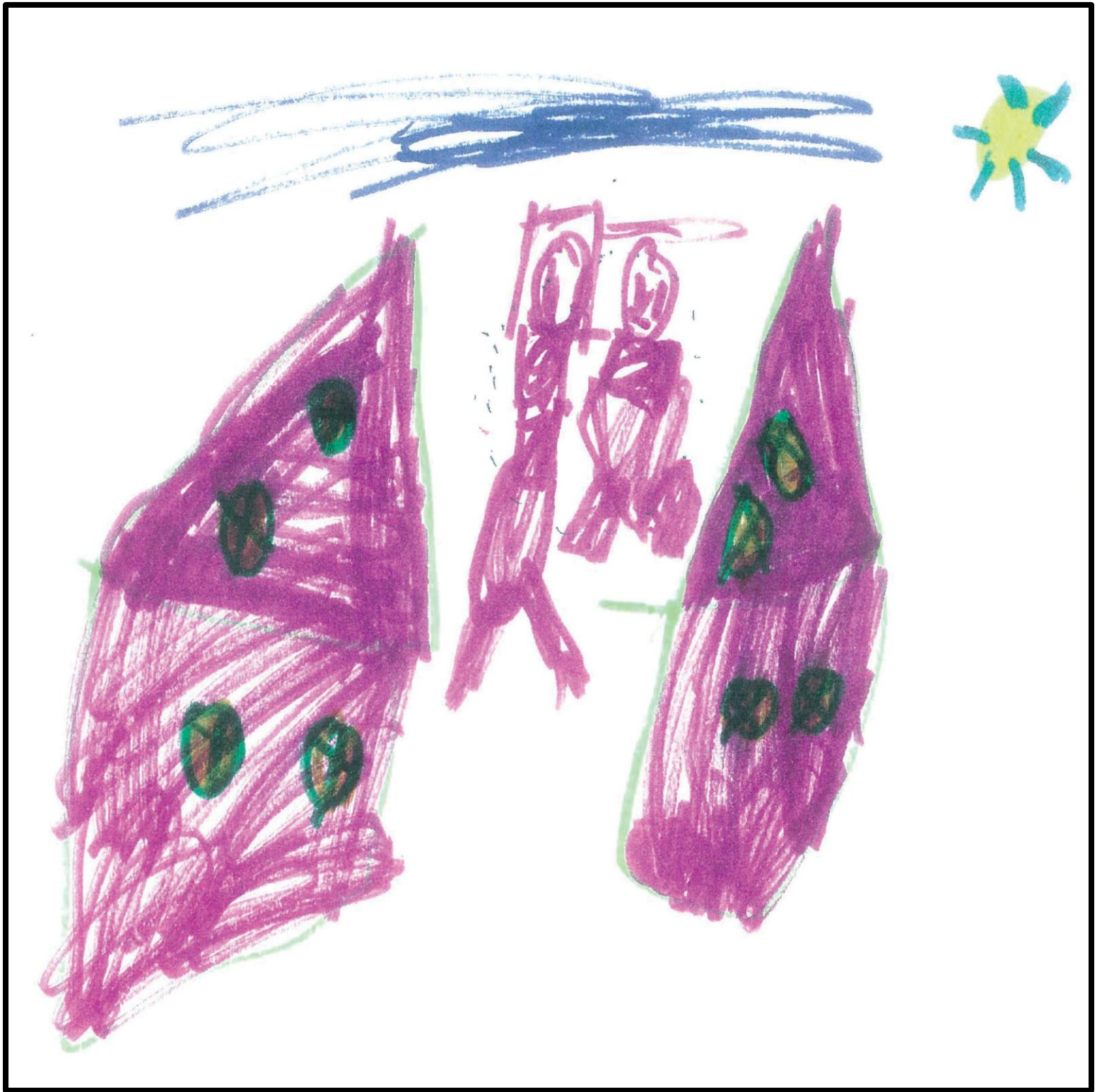
When there has been abuse or violence in your house, either physical or emotional, this changes how you should go about making parenting plans .It is not in children’s best interests to follow a plan in which one parent or the children themselves do not feel safe .If this is happening, you should insist that you involve a professional counselor, mediator with experience in high conflict divorce and violence, or lawyer before agreeing to any plan or change in plans .If you are too afraid to stand your ground on this, seek help.

See the Whom To Call section for contact information for Resolution Services.

8. We have a plan that was working well for our daughter, but now she is taking dance at a place she loves and doesn't want to miss any classes. My former spouse insists that this cuts into his time and he doesn't think it will hurt her to miss some classes.

Try talking to your former spouse and see if he would be willing to take her to dance but rework the schedule a little so he has additional time with your daughter during dance season. Or, try working with your former spouse to see if you could change the plan so that dance classes are not overlapping between each parent's time. The important thing to note is that your daughter should be able to make most of her classes, not be caught in the middle between parents. This will only make her less interested in keeping a schedule as she gets older, and becomes even more serious, about her hobbies. Note: This same advice would hold true for sons and daughters, and no matter which parent was the one protesting taking the child to activities during his/her scheduled time.

Time together between parent and child is more important than an activity itself.



A 5-Year-Old Child's Drawing of "Divorce"

Section 4 WORKSHEET

Reflective Questions

Based on the information you have been given about parenting plans consider the following questions:

What will you and the other parent need to consider when:

1. Determining a parenting schedule for your children?

2. Determining how health decisions will be made?

3. Determining how education/childcare decisions will be made?

4. Determining how child support will be paid?

5. Determining how to include the children's voices in decisions?

WORKSHEET Section 4

Preparing For Your Parenting Plan

1. List any existing documents, orders or agreements. For purposes of planning, only written documents should be listed.

2. How did you and your children's other parent share parenting responsibilities for each of your children during the time you were married or living together?

3. What is your relationship with the other parent like? Be specific. What do you do well together? In what areas do you have disagreement?

4. Where does each parent live now?

5. Work schedule of each parent.

Section 4 WORKSHEET

6. What are the current time sharing arrangements for your children?
If there are differences for each child, be specific. If none are in place yet, skip questions 7 - 9.

a . Month schedule

b . School vacations

c . Holidays

d . Special days (birthdays, parents' birthdays)

e . Special occasions (weddings, funerals, graduations)

WORKSHEET Section 4

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

g . Grandparent time-sharing arrangements

h . Other extended family time-sharing, if any

i . Transportation responsibilities, exchange times and places

j .Schedule or arrangement for children's telephone contact with the other parent (for example, contact with dad when children are with mom)

Section 4 WORKSHEET

7. Are you happy with the current arrangements? What would you change?

8. How does each of your children like the current arrangements? What is important to him/her about them? What would he/she change?

9. Do you have any specific concerns about the present or future arrangements? If fear or past/ present violence is an issue, describe your concerns and or what has happened. Consider other types of concerns related to parenting, parents' jobs, impending changes in the children's or parent's life, etc.

WORKSHEET Section 4

10. Each child's schedule of activities (May note F = Fall, W=Winter, and Sp=Spring).

CHILD	Sun	Mon	Tues	Wed	Thurs	Fri	Sat

Section 4 WORKSHEET

11. Each child's special interests or needs (consider health, educational, other).

12. Religious training (type, schedule, any differences of opinion)

13. Are there plans for a change in residence for either parent in the near future? If so, be specific about the change (where to, how far away, type of residence, living with whom)

14. If relevant (currently or in the near future), what are your proposed arrangements for long-distance parenting (for example, if one parent will live more than 60 miles away)

a . Yearly time-sharing schedule

b . Transportation details (including allocation of transportation costs)

WORKSHEET Section 4

c . How information will be shared

15. Does either parent have any plans for remarriage in the near future?

16. Do you or any other adult in your child's life (school teacher, counselor, therapist) have concerns about any of your children?

17. Are there any relative or adult family friends with whom the children should remain in close contact?

18. Are there any relative or adult family friends with whom the children should not remain in close contact? Briefly state reasons.

Section 4 WORKSHEET

19. What are the current procedures for sharing information with your child's other parent? What would you change, if anything, and what procedures would you propose to put in place?

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

b . Extracurricular activities

c . Health-related information (illnesses, prescriptions, checkups, therapy sessions, other)

d . Community and special events

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

WORKSHEET Section 4

21. how are finances distributed right now? Think about who pays for schooling, activities, etc.

22. What would you like to see different about financial sharing in the near future?

23. What are your financial concerns for the longer-term?

24. Steps you will take to resolve any disagreements that arise. Be specific about what you will do, who will be involved (e.g., therapist, mediator), and how many times you will work on the issue before trying another form of resolution.

Preparing For Your Parenting Plan is adapted from two sources: (1) materials created by Mimi Lyster . *Child Custody: Building parenting agreements that work (4th ed.)* .Berkeley, CA: Nolo, 2003; (2) *Parenting After Separation For Your Child's Separation: A Handbook for Parents*, British Columbia, Ministry of Attorney General, 2007 .

Parenting Plan Worksheet

Used with permission of Gary Drenfeld, MSW, RSW

PARENTING PLAN WORKSHEET

Date: _____

Print and complete this worksheet to facilitate discussion and development of a parenting plan. You may alter the content to meet your needs. As children grow and time moves on, you may have to revisit and adapt portions of this agreement to suit new circumstances. If you can anticipate changes, discuss them and include potential solutions for when the circumstances arise. However, allow flexibility and agreement to modify the parenting plan as not all situations can be predicted.

This document may be used in discussion between parents or with a counselor, mediator, lawyer, etc. To make this plan legally binding, consult your lawyer.

This document is not necessarily exhaustive of all issues involved in developing a parenting plan. Users are therefore advised to seek professional input prior to a final agreement.

This Parenting Plan regards the care of children subject to their parents:

	Mother	Father
Name		
Address		
City		
Province, Country		
Postal Code		
Telephone		
Email		

This plan has been developed through the following process:

- Between the parents alone
- Through a mediation process
- Through their respective lawyers
- Through a Collaborative Law process
- Through an assessment process
- Other: _____

This parenting plan applies to the following children:

	Name	Birth Date	Age
Child 1	_____	_____	_____
Child 2	_____	_____	_____
Child 3	_____	_____	_____
Child 4	_____	_____	_____

Parenting Plan Worksheet

Used with permission of Gary Direnfeld, MSW, RSW

PARENTAL TIME WITH THE CHILD(REN)

(This may be determined using the chart below, or on the basis of the child(ren)'s weekly schedule of extra-curricular activities – see following page, or a combination of both .)

Residential Schedule

Key: Use "M" for Mother and "F" for Father

Week 1	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Week 2	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Description:

Location of pick-ups: _____

Location of drop-offs: _____

Transportation arrangements for the child(ren) between the parents will be as follows:

Parenting Plan Worksheet

Used with permission of Gary Direnfeld, MSW, RSW

If a parent is unable or unavailable for their time with the child(ren), who and how will this be explained to the child(ren)?

Children's Schedule Of Weekly Extra-Curricular Activities

With the chart below, enter in each child's activity and which parent will be responsible for attendance .

Child 1	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Child 2	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Child 3	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Child 4	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							
Night							

Parenting Plan Worksheet

Used with permission of Gary Direnfeld, MSW, RSW

Both parents encourage the child(ren) to engage in the following extra-curricular activities:

Child 1: Activities: _____ Cost: _____

Child 2: Activities: _____ Cost: _____

Child 3: Activities: _____ Cost: _____

Child 4: Activities: _____ Cost: _____

Costs for extra-curricular activities to be shared as follows:

Mother Father Both equally Other:

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

Neither parent will engage in the provision of extracurricular activities for the child(ren) which will result in the exclusion, whether intentional or unintentional, of the other .

The child(ren) will be permitted to attend social functions provided parents are satisfied that there is appropriate supervision and alcohol and drugs are not available .

Can both parents attend or under what circumstances can both parents attend a child's extra-curricular activity?

Parenting Plan Worksheet

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SCHEDULE FOR WINTER/CHRISTMAS VACATION

The child(ren) will reside with Mother Father during the winter vacation or

The child(ren) will reside with Mother Father for the first week of winter vacation

in even odd years and the other parent for the second week .

Other:

SCHEDULE FOR SPRING VACATION

The child(ren) will reside with Mother Father during the spring vacation in even odd years .

Other:

SUMMER SCHEDULE

Upon completion of the school year, the child(ren) will reside with parents as follows:

same as school year schedule

one week every month

Two weeks every month

One month with each parent

Other:

Parenting Plan Worksheet

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SCHEDULE FOR OTHER HOLIDAYS

The residential schedule for the child(ren) for other holidays is:

- | | | | | | |
|----------------------|---------------------------------|---------------------------------|------------------------------------|-------------------------------------|-------------------------------------|
| 1. New Year's Eve | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 2. New Year's Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 3. Good Friday | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 4. Easter Sunday | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 5. Passover | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 6. Mother's Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 7. Father's Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 8. Victoria Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 9. Canada Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 10. Civic Holiday | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 11. Labor Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 12. Thanksgiving Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 13. Remembrance Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 14. Christmas Eve | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 15. Christmas Day | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 16. Hanukkah | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 17. Halloween | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 18. Other _____ | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |
| 19. Other _____ | <input type="checkbox"/> Mother | <input type="checkbox"/> Father | <input type="checkbox"/> Odd Years | <input type="checkbox"/> Even Years | <input type="checkbox"/> Every Year |

For purposes of this parenting plan, holiday times will begin and end as follows:

[] Option for sharing statutory holidays: The particular holiday in question will be simply added to the weekend upon which it falls and be spent with whichever parent already has the children that weekend .

Birthdays:

- 1 . Each parent will celebrate their birthday when next they are with the child(ren) .
- 2 . [] The parents will hold birthday parties for the child in alternating years, with the Mother holding the party in [] even [] odd numbered years and the Father holding the party in [] even [] odd numbered years
- 3 . [] Each parent will make their own arrangement, coinciding with the normal schedule of time with child(ren).

Other: _____

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SCHOOL/DAYCARE

Enrollment/Attendance

The child(ren) will be enrolled and attend as follows:

Child 1: School _____ Grade: _____

Child 2: School _____ Grade: _____

Child 3: School _____ Grade: _____

Child 4: School _____ Grade: _____

1. Mother Father to reside in the jurisdiction of the local school .
2. The child(ren) shall continue to attend such schools and/or daycare as long as the parents are agreed, or mother shall effect such decision, or, father shall effect such decision .
3. In the event that the school authorities should find that a child might be an exceptional student or a student with special needs, both parents shall have the right to attend and to be informed of any pertinent meetings or testing, or mother only, or, father only .
4. The consent of Mother Father both parents shall be needed before any special recommendations can be instituted .
5. Both parents shall be provided by the school with separate notices of events and report cards .In order that this provision might be carried out, both parents shall provide the school with stamped, self-addressed envelopes sufficient for all communications during the year – given the consent of the school to this provision .In the event the school cannot undertake this task, Mother Father will undertake to notify the other of events and provide a copy of report cards within____days of receiving .
6. Both parents, or mother only, or, father only, shall have the ability to share in voluntary activities in the child’s school life .In order that this provision might be carried out, both parents shall be informed of any school trips or activities in which parental participation is desired, and they should discuss among themselves which one of them will attend .
7. If either parent is unable to decide which school related activities they will attend (as set out above), they shall alternate with Mother taking the first activity day in even numbered years and Father taking the first activity day in odd numbered years .
8. The Mother Father shall be the primary liaison person with the school .
9. Prior to graduation from High School, Mother and Father will consult each other with respect to the post High School education of the children and costs if not otherwise determined .

Special Education

Special education plans are as follows (if a child has special needs):

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RELIGIOUS UPBRINGING

The following is acknowledged as the children's faith: _____

If the children are part of an agreed congregation or place of worship, enter the name or place here:

The parents will continue, where agreed, to continue with worship or religious instruction .If not in agreement, [] Mother [] Father or [] ADR will determine religious affiliation and participation .

Before any change in the religious affiliation of the child(ren), the parents will consult in advance and attempt to reach an agreement with respect to any such change .

PARENTAL BEHAVIOUR AND DEVELOPMENT

Mother and Father will conduct themselves with respect to each other and the child(ren) so as to provide a loving, stable, consistent and nurturing relationship with the child(ren) even though they, themselves, may no longer co-habit .To that end they will not speak derogatorily of each other or the members of the family of the other, will not cause the child(ren) to be drawn into any dispute regarding decisions affecting the child(ren) and will not attempt to curry favor with the child(ren) to the detriment of the other .

Parents will consider and avail themselves of articles, books, workshops and/or counseling to improve their parenting skills or to further their understanding of their children's physical, emotional, psychological, spiritual or academic needs as may be required .Parents will exercise consistency in following through with their time with the child(ren), discipline and behavioural and academic expectations and will endeavour to communicate with each other on such matters or attend counseling to facilitate such .

COUNSELLING AND/OR TREATMENT PLAN

One or both parents may acknowledge problems related to drugs, alcohol, violence, child management, etc . The following plan is agreed upon by the parents to address such issues:

Parenting Plan Worksheet

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BEHAVIOUR MANAGEMENT

The parents agree on the following strategies for managing child(ren)'s behaviour:

Bedtime on weekdays: _____

Bedtime on weekends: _____

Homework time: _____

DAY-TO-DAY DECISIONS/DAILY NEEDS

Each parent will make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in the parenting plan, either parent may make emergency decisions affecting the health and safety of the child(ren).

When each child is in the care of a parent, that parent will insure the child will be properly groomed, fed, clothed and supervised. The child will be given proper physical, health and day care as appropriate.

MEDICAL

The child(ren) shall be medically cared for by the primary care providers who shall be appointed by Mother Father both parents.

Physician _____ Tel: _____

Dentist _____ Tel: _____

Orthodontist _____ Tel: _____

All prescription medications are to be divided into two aliquots by the pharmacist; this is to be requested by the parent when filling the script. The prescription will be divided to provide appropriate dosages and administrations to cover time with each parent. If the prescription cannot be divided as in the case of a puffer, then 2 prescriptions will be obtained.

Or: _____

Other medical considerations (allergies?): _____

Parenting Plan Worksheet

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1. Both parents shall have the right to give consent to emergency medical/dental care during times that the child is in their care and control .
2. Each parent shall undertake to inform the other parent of the extent and nature of the care and the extent and nature of the emergency as soon as is possible, but within hours .
3. The parent who has the care of the child while the child becomes ill will inform the other parent of the nature and extent of the illness as soon as possible .
4. Both parents shall have the right to be informed of any regular medical appointments that the child might have . Mother Father Both may attend regular appointments .
5. Both parents shall have the right to receive from and give information to a medical professional (that includes other health care professionals such as nurses, physiotherapists, social workers, psychologists and others) .
6. If the child needs to be referred to a medical sub-specialist, the consent of Mother Father both parents shall be needed to effect such a referral .
7. Both parents shall have the right to be informed of any dental appointments that the child might have.
8. If the child needs to be referred to a dental sub-specialist, the consent of Mother Father both parents shall be needed to effect such a referral .
9. The Mother Father shall be the primary liaison with the child's doctor .
10. The Mother Father shall be the primary liaison with the child's dentist .
11. The Mother Father shall be the primary liaison with the child's orthodontist .
12. If there should be a need for the child to be referred to a practitioner skilled in social, emotional or behavioural problems, the consent of Mother Father both parents shall be needed to effect such a referral .
13. Both parents shall have the right to participate in, consult with and be consulted by such a practitioner .The form that such participation or consultation should take shall be left to the judgment of the clinician .
14. The child(ren)'s health cards shall be held by Mother Father

SPECIAL NEEDS

In the event a child has special needs owing to a developmental, physical, psychological, learning, psychiatric, social, behavioural or emotional condition, such needs will be addressed as follows:

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MOBILITY

The residence of Mother Father shall be restricted to a _____ kilometer mile radius of each other or of this central location: _____

TRAVEL

1. The child(ren)'s travel documents (Passport) will be held by Mother Father .
2. The child shall not be taken from the confines of their Province or State of residence without informing the other parent . The other parent shall be informed with _____ days/ weeks notice.
3. The child shall not leave the country without being fully covered by appropriate medical insurance .
4. The parent with whom the child(ren) are traveling shall provide the other parent with a contact number where a message can be left or where he or she can be reached .

CHILD CARE

1. Each parent shall be responsible for making their own child care arrangements for the temporary alternate care of the child(ren) (babysitting), when such care is needed, with the exception of the conditions set out below:
2. Each parent shall inform the other from time to time who is providing alternate care for the child(ren).
3. Each parent shall have the right to communicate with the person who is providing alternate care for the child(ren).
4. If the parent with whom the child is resident is going to be absent for a period of more than _____ hours, the other parent shall be given the right of first refusal to care for the child(ren) .

OTHER RELATIONSHIPS

Parents will encourage and foster relationships of each child with other children, family members and extended family members .

If either of the parents should become incapacitated by reason of illness or misfortune, or if either of the parents should die, the remaining parent will ensure that the child(ren) shall continue to have contact with the extended family of the affected parent .

Exceptions:

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CHANGE OF NAME

Neither parent shall change the given name or surname of the child(ren) without the written consent of the other parent.

NEW PARTNERS/SPOUSES

Parents will act with due consideration to how the child(ren) shall address a parent's new partner or spouse (steparent) . Parents will discuss this issue with concern for confusion or loyalty issues .

CHILD(RENS) TOYS - BELONGINGS - CLOTHING

The parents recognize that the child(ren) may have particular attachments to certain belongings and will respect the child(ren)'s right to have such belongings transfer with them between parents .The parents agree to share clothing, or, each parent shall provide their own clothing for the child(ren) .

Other: _____

OTHER PROVISIONS FOR DECISION MAKING

The following special provisions apply to decision-making:

If either parent is impaired by drugs, alcohol, fatigue or any other condition that may affect care giving, parental responsibility or judgment whilst caring for the child(ren), then the other parent may assume sole decision making authority for the duration of the impairment .

If either parent subjects the child(ren) to harm through neglect or abuse then the other parent shall assume sole decision making authority until the situation has been dealt with and until such time as there is reasonable grounds to assume such situations or behaviour are not likely to re-occur .Under such circumstances parents are obliged to inform child protection services as may be required by law .

DISPUTE RESOLUTION

In the event that the Mother and Father are unable to resolve any particular issue they agree to resolve the matter through:

- Discussion with a friend or family member: _____
- Counseling with: _____
- Mediation with: _____
- Collaborative Family Law with: _____
- Court/Arbitration: _____
- Parenting Coordinator: _____
- Other: _____

Parenting Plan Worksheet

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Mediation or Collaborative Law or Parenting Coordinator:

1. Either parent may determine if any of these strategies is necessary in order to resolve parenting issues, on the basis of verbal, written notice to the other .
2. The parent who initiates action shall be initially responsible for any costs pending alternate agreement made by the parties, or through the process or by Court Order .
3. In conducting any of the above strategies, the parties shall empower the service provider to collect information from third parties that may assist in resolving the dispute .
4. If any dispute cannot be resolved by the parties through any of the above strategies, it may be resolved by a court of competent jurisdiction on application of either party or, upon agreement by the parties, by arbitration .

COMMUNICATION

The parents will communicate with each other through:

Telephone Mother: _____ Father: _____

Email Mother: _____ Father: _____

Face to Face: _____

Communication book: _____

www.jointparents.com

Communications will be brief and relate only to issues at hand .Neither parent shall communicate in a discourteous manner with the other .Communication book, emails or any other permanent record of communication may be used in mediation, arbitration or a court proceeding .As such, parents are advised to be cautious with respect to the content of the permanent record .

RIGHTS

The following are the rights of a parent when a child is not in the care of that parent:

1. The right to unimpeded telephone conversations with each child at least _____ times a day/week at reasonable times and for reasonable duration .
2. The right to send mail or email to each child that the other parent will not open or censor .
3. The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of a child .

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REVIEW

As children grow, their needs change .Also the circumstance or situation of parents can change .As such it will be necessary to review this Parenting Plan Agreement from time to time .The parents therefore agree that either may request a review of this Parenting Plan Agreement .Suggested minimal guidelines for reviews are:

- For children under 2 years of age, the plan may require review on a more regular basis, but generally of no shorter duration than every 3 months .
- For toddlers and preschoolers, the plan may be reviewed at intervals of no less than every 6 months .
- For elementary school aged children the plan may be reviewed at yearly intervals .
- For adolescent children, the Parenting Plan may alter quite regularly, but with less concern to the parent's schedule and more concern with the adolescents' schedule .

The parents agree NOT to use the process of review to simply undermine or interfere with the Parenting Plan as already established .Rather, review will be subject to developmental needs of the children or material change in a parent's circumstance or situation that would make the present plan unworkable .

DECLARATION

We declare that this plan has been developed in good faith and is in the best interest of the child(ren). We sign it on a without prejudice basis, pending independent legal advice.

Mother

Date

Father

Date

Witness

Date

Parenting Plan Worksheet

WHERE TO FIND OTHER PARENTING PLAN EXAMPLES

(1) British Columbia Family Justice Services Division

(A parenting plan worksheet/template is publicly available, as part of their Parenting After Separation Handbook.)

www.ag.gov.bc.ca/family-justice/help/pas/information.htm

(2) Shared Parenting Works

www.sharedparentingworks.org/parentingplans.html

(3) Planning for Parenting Time: Arizona's Guide for Parents Living Apart

www.azcourts.gov/Portals/31/ParentingTime/PPWguidelines.pdf

(4) Basic Parenting Plan Guide from the U.S. State of Oregon

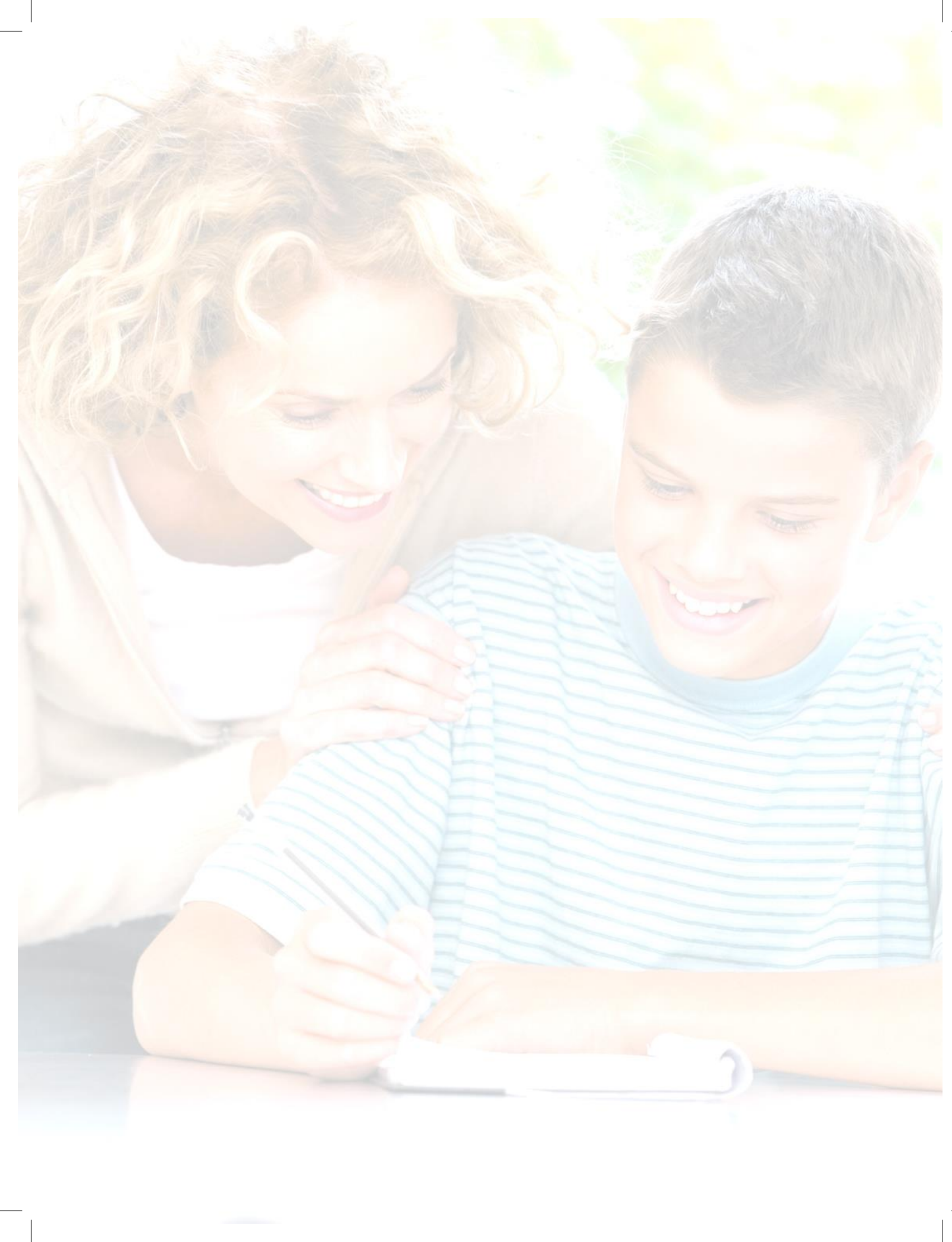
<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/parentingplan.page>

(5) Justice Canada Parenting Plan Checklist

www.justice.gc.ca/eng/pi/fcy-fea/pa-ep/index.html



Important Information



IMPORTANT INFORMATION

PARENTING AFTER SEPARATION



I. Materials Relating to Section Content

- Whom to Call
- Telling Your Child about the Separation or Divorce
- Building Resilience in Children
- Building Better Brains
- Court Process Flow Chart
- You and Your Family Law Lawyer
- Getting Help with Child Support Calculations
- The Role of the Maintenance Enforcement Program

II. Suggested Readings

- 1 .Suggested Readings for Parents
- 2 . Suggested Readings for Teens
- 3 . Suggested Readings for Children

III.glossary

IV.Website References

WhOM TO CALL ...

Resolution Services is a group of programs and services offered to families and individuals by Alberta Justice in collaboration with the Courts of Alberta .

Information Services

Information Services provides:

- Information on court procedures and legal service options
- Assistance with locating and filling out court forms
- Referrals to other community legal resources.

Assessment Services

Assessment Services provides:

- Information on options and services for resolving family issues
- Referrals to services and programs, including family mediation
- Information on the effects of separation and divorce on children
- Assistance with court documentation and processes for family law matters
- **Caseflow Conference Program**
Caseflow Conferences are scheduled between a caseflow coordinator and the applicant and respondent to explore settlement options, facilitate settlement and facilitate access to the Court.

Dispute Resolution Services

Family Mediation is a process in which participants meet with a neutral mediator who encourages open communication, negotiation and cooperation in order to resolve disputes outside of court.

Child Support Resolution (CSR)- Edmonton Dispute Resolution Officer (DRO) - Calgary provides a consultation with a family lawyer to help people resolve their child support disagreements.

Brief Conflict Intervention (BCI) provides a solution-focused intervention from a specialized clinician, such as a psychologist or social worker, to assist separated parents to reach resolution to their parenting disputes and to educate parents on the potential impacts of separation and conflict on their children.

For more information on Resolution and Court Administration Services

Call Toll Free: 1-855-738-4747

In Edmonton: 780-638-4747

Or visit: www.rcas.alberta.ca

For more information or to register for :

- Parenting After Separation (PAS)
- Parenting After Separation online
- Parenting After Separation for Families in High Conflict (PASHC)
- Focus on Communication in Separation (FOCIS)

Visit the Resolution and Court Administration Services website
www.rcas.alberta.ca

If you are in need of other information or resources:

1. For help finding a private mediator
(fee for service)

- Alberta Family Mediation Society (AFMS) — call toll free 1-877-233-0143 or in Calgary call 403-233-0143, website: www.afms.ca
- Alberta Arbitration and Mediation Society (AAMS) — call 780-433-4881 in Edmonton or 1-800-232-7214 toll free

See Mediation info sheet at the end of this manual

2. Alberta Health Services Addiction and Mental Health

- Alberta Health Services Addictions Help Line
1-866-332-2322
- Alberta Mental Health Help Line
1-877-303-2642

3. Ministry of Human Services (includes Alberta Supports, Homelessness Supports, Employment and Immigration, and Children and Youth Services) call 780-422-3004 or 310-0000 first for toll free access in Alberta
Website: <http://humanservices.alberta.ca/>

4. **Child Support Recalculation Program** — call 780-401-1111 or 310-0000 for toll free access in Alberta
Website: www.recalculation.gov.ab.ca
5. **Child Support Services (CSS)** provides help to individuals receiving:
 - Income Support
 - Alberta Adult Health Benefit
 - Assured Income for the Severely Handicapped (AISH)
 - Albertans with low incomeTo contact Child Support Services:
 - Edmonton — 780-415-6400
 - Calgary — 403-297-6060To find the closest CSS office to you, call 310-0000 toll free or go to: www.employment.alberta.ca/css
6. **Collaborative Family Law**— to find Collaborative Family Law lawyers in your area go to: www.collaborativelaw.ca
7. **Divorce Kits**—call 310-0000 toll free for the Queen's Printer, or go to the website at: www.qp.alberta.ca
8. **Alberta Divorce Guides:**
A series of videos that gives instructions to complete and file the paperwork required to get a divorce.
www.alberta.ca/alberta-divorce-guides.aspx
9. **Law Libraries:**
 - Edmonton — 780-422-2342
 - Calgary — 403-297-6148Website: www.lawlibrary.ab.ca
10. **Lawyer Referral:** If you need help finding a Lawyer contact:
 - Calgary — 403-228-1722
 - Edmonton — 780-429-3343
 - Elsewhere in Alberta — 1-800-661-9003 toll freeWebsite: www.lawsociety.ab.ca
11. **Legal Aid** — call 1-866-845-3425 toll free or go to: www.legalaid.ab.ca
12. **Maintenance Enforcement Program (MEP),** contact:
 - Edmonton — 780-422-5555
 - Elsewhere in Alberta — call 310-0000 first for toll free access in Alberta
 - Website: www.albertamep.gov.ab.ca
13. **To contact the Courts:**
 - Provincial Court of Alberta (main) — 780-427-2711
 - Court Of Queen's Bench of Alberta (main)— 780-422-2200
 - Provincial Court of Alberta – Family (Calgary) — 403-297-3471
 - Court of Queen's Bench of Alberta (Calgary) — 403-297-5653

14. Emergency Protection Orders can be applied to provide safety when family members are abusive through Family Justice Services or Duty Counsel where available.

More information can be found at:

www.alberta.ca/restraining-protection-orders.aspx

The Centre for Public Legal Education Alberta (CPLA) – Tip sheet on Emergency Protection Orders can be found at www.cplea.ca/wp-content/uploads/2016/06/EmergencyProtectionOrders.pdf

15. The Support Network connects callers to a full range of community, social and government services information, and is a referral service for non-emergency human services.

Edmonton 24-Hour Distress Line —
780-482-HELP (4357)
or visit: 211edmonton.com

Calgary 24-Hour Distress Line —
403-266-HELP (4357) or visit: 211calgary.ca

Rural Distress Line (toll free) —
1-800-232-7288

16. Victim Services

Victim Services — Edmonton Police Service —
780-421-2760

Victim Services — Calgary Police Service —
403-206-8398

Victim Services – Rural Alberta– no exclusive phone line, please contact the RCMP detachment for your area.

Main website: www.solgps.alberta.ca/programs_and_services/victim_services/Pages/default.aspx

For a list of Victim Services sites go to:
www.solgps.alberta.ca/programs_and_services/victim_services/Pages/victim_service_units.aspx

17. Other important numbers:

- **Alberta Supports** Contact Centre is new service designed to help Albertans access information about programs and services. For more information call 1-877-644-9992 or 780-644-9992 in Edmonton, or visit: www.albertasupports.ca
- **Bullying Help Line**– 1-888-456-2323
- **Child Abuse Hotline**– 1-800-387-KIDS (5437)
- **Family Violence Info Line**– all: 310-1818 (toll free, 24/7) or visit: www.familyviolence.gov.ab.ca
- **Kids Help Phone**– 1-800-668-6868
- **Parent Link Centers**– 1-877-644-9992

Telling Your Child about the Separation or Divorce

Parents should provide children with information about the separation or divorce in language that the child can understand. When children don't receive any information about big changes in their family they are not able to prepare and may begin to worry about the unknown or misunderstand the causes of what is happening. Whether you are just separating or have been separated for quite a while, the following suggestions can help your children adjust.

guidelines

1. Tell your children together, if possible.

- This gives children the message that you intend to cooperate and work together as parents. If it is not possible, each of you can have separate discussions, but plan what you will say ahead of time and share it with the other parent so the two of you can provide a consistent message.

2. Use language that fits your children's ages and understanding.

- Explain clearly and directly what it means to separate or get a divorce. If your children have an age gap between them, speak to the younger child's understanding, give all of your children time for questions, and then continue the conversation with the older children. If the age gap is large, tell your children separately or in small groups.

3. Do not go into details of the reasons for your separation, whatever your child's age.

- Children do not need to know that one or both of you have deeply hurt each other. When you use blaming words, you indirectly ask your child to take sides. Also this hurts your child because he/she knows he/she is a part of each of you and may feel bad about the part of him/herself that is like the "bad" parent.

What to say

- If your child is four years or older, begin by asking: *"Have you noticed that Mommy and Daddy haven't been getting along lately?"* If you haven't been fighting, you could ask: *"Have you noticed that Mommy and Daddy haven't been spending a lot of time together lately?"* Or ask: *"Have you noticed that we haven't been doing a lot of things together as a family lately?"*
- Explain that you are no longer going to be living together (or married) and one of you will be moving to another house. E.g., *"Dad and Mom don't love each other anymore the way that people who stay married need to love each other. We are going to live in separate homes (get a divorce)."*
- Tell your child that the reason you are separating/divorcing is to make things better that have not been working for you as adults, or for the family. E.g., *"You and Mom/Dad are going to live separately so that we can be less angry at each other, and try to stay friends."*
- Tell your child that you and his/her other parent have tried to make your marriage work. Explain in specific but simple terms the steps you've taken so he/she knows the decision was not made lightly. E.g., *"We have spent a long time thinking about this, and we talked about it with a counselor/therapist."*
- Emphasize that both of you will continue to love and care for your child. You will need to repeat this often. Young children may fear that if you can stop loving a spouse you could stop loving them, and they become fearful of being left, too.

- Talk about time-sharing and parenting arrangements .E .g., *“Daddy/Mommy will move out on X day to X place, and you will spend time with him/her there (every week/every other weekend)”*.
- Explain how the separation will affect your child’s daily life — who will feed him, put him/her to bed, take care of him/her while Mom/Dad is at work, and care for him/her when he/she is ill .
- Reassure your child that your divorce is not his/her fault .You will need to repeat this over and over .Say, *“Our decision to live apart is not because of you. There isn’t anything you did wrong or anything you could have done to fix it.”* Young children see events as connected to themselves .It is typical for young children to believe that the world revolves around them .
- Reassure your child that he/she is free to love and spend time with both of you .
- Encourage your child to ask questions and express his/her feelings — not just today, but in the upcoming days, weeks, and months . If your child doesn’t bring it up, take the lead to ask your child how he/she is feeling, how the changes have been for him/her, and if he/she has questions .Ask questions that are specific and you will likely get more of a response.
- Answer questions as honestly as you can . This doesn’t mean using all information you have .Be discrete but informative .
- Let him/her know it is okay to cry and/or feel angry or sad .Let him/her know you are listening by paraphrasing what she says to you .Let your child know that having all sorts of feelings when parents separate is understandable.
- If your child wants to know who he/she can tell or not: *“This is nothing to be embarrassed about. You can tell your friends, your teacher, or anybody you want to tell.”*
- If your child asks if both of you want the divorce, or if this is one parent’s decision: *“This is something that Daddy/Mommy agreed to do because we feel it is best for the whole family.”*

Building Resilience in Children

Resilience is the capacity to “bounce back” from painful feelings and events .It is not a quality that children are born with, but a particular response to a situation . When bad things happen to strong kids, they hurt and they struggle, but eventually they bounce back .

Kids are more likely to behave resiliently when they feel good about themselves (e .g ., have high self-esteem), have strong social skills, and can solve problems . They also have a strong sense of who they are and what is important to them, purpose and a positive view of the future . Of major importance, children show more resilient behaviors when caring adults with whom they are in close relationships support them .

Here are some ways to build children’s resilient response to separation and divorce:

1. Build Children’s Positive Feelings about Themselves (Self-Esteem)

- Point out when your child does something well.
- Compliment and hug your child several times a day.
- Set a good example because children learn by example .Talk about the things you do well, and if possible, what the other parent does well .
- Allow yourself to make mistakes, and allow your child to make mistakes . Children learn much better from their mistakes if they are recognized for their effort and not just criticized for their failure .

Activities

- Spend “special” time with each child .
- Plan activities that you can do together and let your children know that you enjoy spending time with them .

2. Build Social Skills

- Set a good example .Show respect for your children’s and the other parent’s feelings and opinions.
- Don’t just set rules—let your children know the reason for the rules .
- Help your children to understand how other people feel by using real examples . When your children are helpful and kind to someone, ask them how they feel when other people are helpful and kind to them .This helps children connect actions to feelings, which is an important part of developing social skills .

Activities

- Involve your child in social activities with families or the community, or in a team sport .
- Encourage your older child to be a volunteer for an organization or a worthy cause .
- Work on a community project together .

3. Build Problem-Solving Skills

- Set a good example .Solve problems aloud and identify the steps to problem solving .
- Give your children time and space to solve their own problems .If they still can't create a solution, offer one or two alternatives and let them choose .
- If your children refuse the alternatives, encourage them to create their own alternatives .
- Hold regular family meetings in which family rules and responsibilities are discussed . These should also be opportunities for children to talk about problems and engage in problem solving .
- Help your children understand that actions always have consequences, sometimes ones that were not expected .
- Help your children to be responsible for their actions and decisions .Ask them to tell you how a problem solution worked out, how they felt about it, and what they are going to do next .If they need to follow-up with someone, walk through the way they will approach the person and what they will say .

Activities

- The Problem Card Game: Have your children make a series of “problem cards,” which can be pieces of paper with problems written or drawn on them .Younger children might use magazines to cut and paste pictures .The “problems” are to be things they think bother kids their age .Each child can choose a card and together you can try to solve a problem .
- Go the library and check out National Film Board or other educational videos to watch with your older child or teen .The videos can be about any sort of dilemma/problem with which your teen — or someone your teen knows — might be struggling .Encourage discussion about how the problem was solved and the solution created .

4. Build a Sense of Self (“Who You Are”), Purpose and Future

- Set a good example .Value the work you do and speak of it in a positive way . This includes all work, not just paid employment . Parents work hard at many responsibilities inside and outside the home—most do not involve “pay.”
 - Talk about what you or your friends do at work and how it helps other people .
 - Encourage your child to set goals and work towards them.
 - Recognize your child’s special talents or skills .
 - Compliment your children on their contributions to the family .Children contribute in many ways, such as doing their chores, being kind, solving a problem, giving a family member a hug, etc .
 - Teach your child that feelings and situations change over time, that how they feel now may be different from how they feel sometime in the future .For school age children, use the example how their friendships often change, and they can feel more or less close to friends year-to-year .
- Talk to your children about what they would like to do when they grow up .Children whose parents have divorced often feel uncertain about the future; help them think about opportunities that lay ahead .

Activities

- Encourage your child to take responsibility for a plant or a pet (feeding, giving water, etc .).
- Have at least one meal a day with your child and talk about the day’s activities and what needs to be done for tomorrow .
- Allow your children to pick their own birthday and Christmas gifts for relatives .Set a limit on the amount they can spend .
- Allow teens to choose their own clothes .
- Encourage your teens to earn a little money for themselves and allow them to choose what they will spend it on .

Children who rise above hard times are children who are supported by caring adults in close relationships .Allow your child to have a strong relationship with both of his/her parents .Children need to know not only that they are loved, but also that they can love .

**Note: This information was adapted for PAS from text originally written by K.M. Nielsen, M.Ed., R.S.W., and is used with permission from The Family Centre.*

Building Better Brains

Nurturing environments, particularly from pre-natal to six years of age, are essential for healthy brain development. When building a home, the construction process begins with laying the foundations, then constructing the rest of the home in a logical sequence. In a similar way, brains are built from the bottom up, and the building of a strong foundation has a lifelong influence in all aspects of the brain's functioning.

The main architecture of the brain is in place by the third trimester of pregnancy and intense brain development continues in the first few years of life. Brain development continues at a slower pace through childhood and adolescence with the brain reaching maturity at approximately 20 – 25 years of age.

The environment in which a child grows up will affect how their brain develops. Without important experiences, some brain structures may not form as they should. Parents and caregivers can go a long way to ensure healthy brain development occurs by providing positive experiences.

Early brain development requires interaction between the child and his/her caregivers. A parent who is able to provide “serve and return” experiences literally builds the architecture of the developing brain. Like the process of serve and return in games such as tennis and volleyball, parent and child can interact back and forth, each participating and responding. Cooing, making facial expressions, babbling back and forth provide this serve and return early in life.

Negative environments (toxic stress) occur when caregivers are unable to consistently respond to a child and neglect his/her need for interaction. A lack of this serve and respond type of interaction will negatively effect the child's learning, ability, behavior and health. Neglectful or abusive relationships result in anxiety and a hyper-sensitivity to stress that has life-long consequences.

Having a positive, nurturing relationship with a caregiver early in childhood is one of the most important ways to promote healthy social, emotional and cognitive development that will last a lifetime.

Court Process Flow Chart



IMPORTANT INFORMATION

You and Your Family Law Lawyer

1. Finding a Lawyer
2. Fees
3. Your first meeting
4. Working together effectively
5. Other common questions
6. Tips

1. Finding a Lawyer

You will want a Lawyer to represent you who is qualified and professional .To locate a Lawyer, here are some resources you might check into:

- The Law Society of Alberta
www.lawsociety.ab.ca

The Lawyer Referral Service 1-800-661-1095

- Referrals from other Lawyers
- Referrals from friends and relatives
- Yellow Pages

You may wish to **interview** a few Lawyers before hiring one to represent you .Some Lawyers do not charge for the interview meeting, and some do .Be sure to ask about that when you call to make the appointment . Keep in mind that you are hiring the Lawyer and they will be working for you .In the interview meeting both of you will be asking and answering questions .Here are some things you might wish to ask:

Communication	How often will you and the Lawyer meet and when is the best time to call? How are everyday tasks handled (returning phone calls, emails etc .)? Will anyone else be working on your file (e .g., paralegal or assistant)? Will you receive copies of all the correspondence that comes in and goes out for your file?	Competence	Where did they get their education/degrees?What is their usual area of legal practice (i .e., familylaw, civil matters, labor law etc)? Do they have other special training?
		Experience	How long have they been practicing? How many cases like yours have they handled?

IMPORTANT INFORMATION

Personality	Are you comfortable with their personality? (You will be making a work team with your Lawyer, so it is important that you are comfortable about how well the two of you will work together)	Fees	How do they charge? What is extra (e .g ., reading/writing emails, listening/sending voicemail messages, mail, photocopying, faxing, etc)? Do they require a retainer? How will you be billed? How can you keep costs down?
Style	Do they tend to litigate, or do they attempt to negotiate matters that are disputed? How do they feel about resolution options like mediation, or collaborative family law?	Timing	Can they take your case right now?

2. Fees

Lawyers may use one of several possible fee arrangements:

hourly fee	Most Lawyers in Alberta charge by the hour .Consider the Lawyer’s experience and reputation when paying by the hour, as a Lawyer with a higher hourly fee may be able to settle your case quicker than one with a lower fee .
Contingency fee	In this arrangement the Lawyer receives a prearranged percent amount of the settlement .This is not allowed in divorce cases in Alberta, although Lawyers may make a contingency agreement for matters of property and support .You pay the contingency fee after the case is settled .
Fixed fee	This means the Lawyer has a flat rate for settling matters like yours .The rate may vary from client to client, depending on the situation, but the fee is decided before anything else begins .

Retainer — This is a sum of money you pay for a Lawyer to take your case, like a deposit .It is paid when you hire the Lawyer, and then usually the fees are deducted from it as the case progresses . Lawyers who go on a retainer basis will usually send you an invoice on a regular basis, showing what they have deducted from your retainer that month .Sometimes you can negotiate how much you will give as a retainer, and when it is due .

3. Your first meeting

Now you've chosen a Lawyer .What happens in your first meeting? Your Lawyer will usually charge for each interaction with you, so it's best to be prepared for every contact .You will want to bring the following information with you to the first meeting:

- The full names, ages and birth dates for you, your former spouse, and your child(ren)
- The dates of marriage (or cohabitation) and separation
- Your income and your idea of your former spouse's income
- A list of any property you own and/or share, and what you think it is worth
- A list of your monthly expenses

Later on, as your case progresses, you may be asked for the following:

- A copy of your marriage certificate
- Copies of the children's birth certificates
- A list of your current assets
- A monthly budget
- Copies of all your financial statements and Income Tax returns for previous years

By the end of your first meeting with your Lawyer you should have asked for and been provided a rough idea of how much your whole case will cost, asked for and been provided the possible outcomes of your case, and you'll also have signed a written contract or a retainer agreement. If an assistant or paralegal will also be working on your case, you can ask to meet that person, too.

Tips:

- Once you have hired a Lawyer and started your case, it may be helpful for you to start a binder so that you have all your legal information in one place .Sections of the binder could be labeled, for example: Lawyer's bills, emails and letters, court orders, financial documents, etc .
- Be certain to review the entire retainer agreement or contract and ask any questions you may have before you sign it .

4. Working together effectively

Your Lawyer is your guide .In family court cases, including divorce, there are many different courses of action and there are consequences of each route you might take .Your Lawyer’s job is to explain to you the different courses of action that are possible, and help you make the best decisions for your case .It is not your Lawyer’s job to make the final decisions for you .

Try to keep yourself up-to-date and educated about how your case is progressing .For example, know what the court orders that have been made so far (if any) require from you, know which court they were made in, and know what the next steps are in your case .

It is important to tell your Lawyer the truth . Lawyers cannot give you good advice if they do not know the whole story .Sometimes you can only see things from one side: your Lawyer will help you see all the possible angles .Keep in mind that whatever you tell your Lawyer is held in confidence, unless it involves harm to a child or a real threat to another person (these things have to be reported to authorities) .

Get things that your Lawyer has asked you for to him/her as soon as you can, and in an organized fashion .The more organized you are, the less organizing your Lawyer has to do, which keeps your costs down .

Tips:

- Make sure that you and your Lawyer are on the same page about actions that are taken, and where you want to wind up .
- Ask questions and use a schedule so you know what comes next, and when .
- Keep in contact with your Lawyer .Return calls and emails promptly .
- If you do not understand something, or disagree with something, ask questions right away .

5. Other common questions

Why do I sometimes feel like my Lawyer is not on my side?

This feeling is not uncommon, especially with the stress and pain that the ending of an intimate relationship can cause. It is important for Lawyers to make decisions in their client's best interest. Sometimes you may not see what your Lawyer is trying to achieve. However, you can always ask your Lawyer about his/her reasons for the decision. If you feel your important questions are not being answered, make a list and go over the questions one at a time with your Lawyer. Try to communicate as clearly and calmly as possible.

Can I fire my Lawyer?

Yes. Before you decide to move to a new Lawyer, however, it is wise to get a second opinion from another competent Family Lawyer. The consulting lawyer might have insight that could help you make up your mind. If you do decide to let go of your Lawyer, make sure you have another Lawyer lined up. There may be extra charges involved (like the costs to come up with a large retainer again, or the costs to photocopy your file and courier it to your new Lawyer). You also want to think about where you are at in your court case before you let go of your Lawyer. Certain times are not the best times to have a change in your counsel.

Can the Lawyer fire me?

Yes. The Lawyer has the right to end the business relationship, too. The Law Society of Alberta provides more information on this issue (www.lawsociety.ab.ca). A Lawyer should give a client fair notice so your case can be picked up by the new Lawyer smoothly. Once a court action has started, the Lawyer may need to receive permission from the court to withdraw from your case.

Can I dispute my Lawyer's fees?

If you do not agree with your Lawyer's charges, and your attempt to resolve the issue with your lawyer has not been successful, the Alberta Rules of Court allow eligible parties to have their lawyer's account(s) reviewed by a review officer. This officer has the authority to allow, reduce or disallow the Lawyer's fees/charges. More information is available at: www.rcas.alberta.ca

I feel my Lawyer has not behaved professionally to me. What can I do about it?

The Law Society of Alberta (www.lawsociety.ab.ca) can provide more information on this issue.

6. Other things to remember

- Nobody is as familiar with your situation as you .
- Set realistic goals and hope for realistic outcomes: don't expect massive court victories .
- An honest Lawyer strives for a fair settlement . Beware of Lawyers that encourage revenge, or guarantee you a particular outcome in court .
- Have clear, agreed-upon goals with your Lawyer ahead of time, and stick to them .
- Do your part to address any disagreements between you and your Lawyer quickly and in a professional manner . They should be resolved before you continue on together .

IMPORTANT
INFORMATION



How to find a Mediator

What to look for

What is mediation?

Mediation is a proven and well-accepted process for resolving disputes. Mediation is usually a less formal process that allows for parties to reach their own resolution with the assistance of a trained, neutral Mediator that facilitates their discussion. Mediation is usually quicker and less-expensive than other options. The outcome can be made binding, and can set the stage for improved relationships between the parties. Mediation can be an effective way for people in conflict to resolve their disputes as an alternative option to formal engagement of the Courts or other more costly processes.

What is a Mediator?

A Mediator is an impartial person trained in conflict resolution - often referred to as Alternative Dispute Resolution (ADR). The Mediator is chosen by the parties to help them build understanding and negotiate a solution to their conflict. The Mediator does not make decisions and does not provide legal advice to the parties. The Mediator assists the parties to reach their own mutually acceptable resolutions. This is done by: structuring the communication process, maintaining channels of open communication, facilitating expression of needs, helping the parties to identify and frame their issues in dispute, and supporting parties to find solutions that are lasting and meaningful.

Where do I find a Mediator?

While there are many reputable professionals who offer mediation services as part of their private practice, there are provincial and national organizations that provide lists (with biographies) of Mediators who are available in Alberta, including those who have earned mediation designations based on meeting the specified requirements for training, experience and assessed skills. Some of the more commonly accessed Mediator directories are listed below. You and the other party need to agree on which Mediator you will use.

ADRIA: Alternative Dispute Resolution Institute of Alberta: www.adralberta.com/

Mediation and Arbitration Roster for Alberta. Designations include Q.Med (Qualified Mediator) and C.Med (Chartered Mediator). Please see web site for designation descriptions.

AFMS: Alberta Family Mediation Society: www.afms.ca

Family Mediation and Parenting Coordinator Roster for Alberta. Qualifications include PFM (Practicing Family Mediator), RFM (Registered Family Mediator) and RPCA (Registered Parenting Coordinator and Arbitrator).

ADRIC: Alternative Dispute Resolution Institute of Canada: www.adric.ca

FMC: Family Mediation Canada: www.fmc.ca FMC Certification

How to find a Mediator

What to look for

Helpful Questions when hiring a Mediator:

Mediation is not a regulated profession; anyone can call themselves a Mediator. Consider what would be important to you in choosing a professional to help you resolve your dispute. In addition to asking questions about designations and costs please note the Mediators may use different styles of mediation. For example Facilitative, Evaluative and Transformative.

Facilitative Mediation: The Mediator facilitates the parties' discussion, helping them explore issues in dispute, and their individual and shared interests, and possible settlement options, without providing the Mediator's views as to how a judge might rule in a contested court application or trial.

Evaluative Mediation: The Mediator will, at the parties' request, provide his/her views as to the strengths and weaknesses of the parties' positions and how a judge might rule in a contested court application or trial.

Transformative Mediation: The Mediator helps the parties to transform their ongoing relationship to allow for their more effective approaches to addressing and resolving current and future disputes.

Here are some common questions to ask:

- Do you have a professional mediation designation? (C.Med, Q.Med, PFM, RFM, RPCA, etc.)
- What other professional qualifications do you have that are relevant to the conflict? (LLB, RSW, R.Psych., P.Eng, CHRP, etc)
- What is your mediation and conflict resolution training?
- What is your experience in this area? How many mediations have you conducted?
- What style of mediation do you use? Interest based, Facilitative, Evaluative, Transformative
- Are you a member of a professional association? If yes which one(s)?
- Do you follow a code of ethics?
- What recourse do I have if I am unhappy with the service I receive? Is there a public complaints mechanism?
- Do you carry professional liability insurance that covers mediation?
- What are your rates and how do you expect to receive payment?
- How do you calculate your hours?
- How long will mediation take? What is the process?
- How familiar are you with the topic of my dispute and do you have specific training in this area (i.e. Family Law/ Child Support/ Divorce Act, Landlord and Tenant, Contract, Workplace, Labour Relations, Construction/Engineering?)
- If safety is a concern, how would the Mediator ensure everyone's safety?
- Is the mediation confidential?

Getting help with Child Support Calculations

Calculating child support can be quite complicated, even after you have determined the applicable principles and sections of the Child Support Guidelines that apply to you and your family. Many lawyers have computer programs to assist in the calculations, once they have established the categories in which a particular situation may fall, and established all of the applicable income figures and costs to utilize. If you wish to do the calculations on your own and if you require help, you may contact Resolution Services. You will have to supply the appropriate income figures and add-on costs; the Centres can assist you in the calculations.

To find out where to find Resolution Services information coordinators please visit the Resolution and Court Administration Services (RCAS) website at www.rcas.alberta.ca

Or call the RCAS Contact Centre
Toll free 1-855-738-4747
Edmonton 780-638-4747

More information about child support is available on the Government of Canada – Department of Justice website <http://www.justice.gc.ca/eng/fl-df/child-enfant/index.html>

The Canadian Federal Child Support Tables can be found at:
<http://www.justice.gc.ca/eng/fl-df/child-enfant/look-rech.asp>

The Federal Child Support Guidelines: Step-by-Step can be found at:
<http://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/index.htm>



The Role of the Maintenance Enforcement Program

The Maintenance Enforcement Program (MEP) is authorized by the Alberta *Maintenance Enforcement Act* to enforce and administer maintenance orders (orders for child or spousal/partner support). MEP acts as a financial intermediary by accepting payments from debtors (payors) and forwarding the payments to creditors (recipients). In cases of default (non-payment) by the debtor, MEP has the legislative authority to take steps to enforce the amounts owed, including placing enforcement action and charging penalties and interest.

Every maintenance order granted in Alberta must state that the amount owing shall be paid to the Director of Maintenance Enforcement unless the order is withdrawn from MEP. Maintenance orders are **not** automatically registered with MEP – registration must be initiated by the creditor, or debtor (or by a government department such as Human Services when maintenance payments should be redirected to the Crown) .

Creditor's Responsibilities

Creditors can register with MEP by submitting a Creditor Registration Package, a maintenance order or agreement, and a Direct Deposit form.

When MEP is enforcing their order, creditors should not accept any payments directly from the debtor.

Creditors should keep MEP informed of:

- Changes to the creditor's mailing address and telephone numbers
- Changes in the child's status (e.g. change in residence, over age of majority and not in full-time school).
- Any information that may assist MEP in collecting maintenance, such as details of the debtor's location, telephone numbers, employment or assets.

Debtor's Responsibilities

Debtors can register with MEP by submitting a Debtor Registration Package, a maintenance order or agreement, and an Authorized Bank Withdrawal form.

Debtors benefit from MEP's accurate accounting of maintenance payments, so while MEP is enforcing their order, debtors should not pay creditors directly.

Debtors who are unable to pay their maintenance arrears in full can contact MEP to make payment arrangements to settle the arrears over time.

Debtors should keep MEP informed of:

- Changes to the debtor's address, telephone numbers, and employment
- Changes in the child's status (e.g. change in residence, over age of majority and not in full-time school).
- Any anticipated problems such as late payments.

MEP's Responsibilities

MEP can only enforce maintenance when the debtor, creditor, or Crown (government) has registered with MEP.

MEP will:

- Maintain the confidentiality of clients' personal information.
- Monitor and enforce maintenance (child and spousal support) orders.
- Collect payments from the debtor and forward them to the creditor.
- Conduct child status reviews.

MEP does not:

- Obtain court orders for clients.
- Change the amount of maintenance ordered by the court.
- Provide legal advice to clients.
- Provide legal representation for clients.

You can contact MEP for additional information at:

Maintenance Enforcement Program
John E. Brownlee Building
7th Floor, 10365 - 97 Street Edmonton AB
T5J 3Z7
Phone: 780-422-5555
Elsewhere in Alberta call 310-0000 first for toll free access
Fax: 780-401-7575
Website: www.albertamep.gov.ab.ca

Suggested Readings

There are many different sources of information, on a wide variety of topics, available to parents who are parenting apart. Research is ongoing on all aspects of; parenting, child development, brain development, resiliency and conflict resolution. Books, on-line resources and research articles are available to help you explore your topics of interest. When using the internet for information and resources be cautious that you use trustworthy sources. Your local library is a good resource to help with both internet searches and recommendations for books.

The Suggested Reading Lists contain titles recommended by a variety of professionals who over the years have helped support separated families in Alberta. The lists are not intended to address the specific situations of any individual and are not necessarily complete or up to date, nor do they necessarily represent the views of Alberta Justice and Solicitor General.

Suggested Readings for Parents

- Brownstone, Henry. (2009). *Tug of War: A judge's verdict on separation, custody battles, and bitter realities of family court*. Toronto: ECW Press
- Burrett, Jill and Green, Michael. (2009). *Shared Parenting: Raising Your Child Cooperatively After Separation*. Sydney: Finch Publishing
- Cochrane, Michael. (2015). *Surviving Your Divorce: A Guide to Canadian Family Law— 6th Edition*. Mississauga, Ontario: John Wiley and Sons Canada.
- Elliott, Susan J., J. D., M.Ed. (2009) *Getting Past Your Breakup: How to Turn a Devastating Loss into the Best Thing That Ever Happened to You*. Cambridge, MA: DeCapo.
- Emery, Robert E. (2004). *The Truth About Children and Divorce: Dealing With the Emotions So You and Your Children Can Thrive*. New York: Viking
- Emery, Robert E. (2016). *Two Homes One Childhood, A Parenting Plan to Last a Lifetime*. New York: Random House
- Fisher, Bruce and Alberti, Robert (2016) *Rebuilding: When Your Relationship Ends, 4th Edition*. Atascadero, CA: Impact Publishers.
- Long, Nicholas James and Forehand, Rex (2002). *Making Divorce Easier on Your Child: 50 Effective Ways to Help Children Adjust*. Chicago: Contemporary Books.
- Pedro-Carroll, J. (2010). *Putting Children First: Proven Parenting Strategies for Helping Children Thrive Through Divorce*. New York: Penguin Group

Suggested Readings for Parents (continued)

- Public Health Agency of Canada. (2016). *Because Life Goes On – Helping Children and Youth Live with Separation and Divorce (3rd edition)* Ottawa, Ont.: Health Canada
<http://healthycanadians.gc.ca/publications/healthy-living-vie-saine/because-life-goes-on-2016-parce-que-la-vie-continue/index-eng.php>
- Warshak, R. (2010). *Divorce Poison: How to Protect Your Family from Bad-mouthing and Brainwashing*. Minnetonka, MN: Peddler's Press.

Suggested Readings for Children and Youth

- Brown, L. and Brown, M. (1986). *Dinosaurs Divorce: A Guide for Changing Families*. Boston, MA: Little, Brown.
- Danziger, Paula. (2004). *Amber Brown is Green with Envy*. New York, NY: Scholastic.
- Department of Justice, Government of Canada (2007). *What Happens Next? Information for Kids About Separation and Divorce (9-12 yrs.)* Available online at: <http://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/title-titre.html>
- Holyoke, Nancy and Nash, Scott. (2009). *A Smart Girl's Guide to Her Parents' Divorce: How to Land on Your Feet When Your World Turns Upside Down*. Middleton, WI: American Girl Publishing.
- Lansky, Vicki, (1998). *It's Not Your Fault, KoKo Bear*. Minnetonka, MN: Peddler's Press.
- Masurel, Claire, (2003). *Two Homes*. Cambridge, MA: Candlewick.
- Moss, Marissa. (2003). *Max's Logbook*. New York, NY: Scholastic.
- Parr, Todd. (2003). *The Family Book*. New York, NY: Little, Brown.
- Ranson, Jeanie Franz.(2000). *I Don't Want to Talk About It*. Washington, DC: Magination Press.
- Ricci, Isolina (2006). *Mom's House, Dad's House for Kids: Feeling at Home in One Home or Two*. New York, NY: Fireside.
- Schmitz, Tamara. (2008). *Standing on My own Two Feet: A Child's Affirmation of Love in the Midst of Divorce*. New York, NY: Price Stern.
- Stern, Zoe and Stern, Evan (2008) *Divorce is not the End of the World*. Berkeley, Cal.: Tricycle Press.

Legal Terminology and Family Justice Services glossary

Term	Description/Definition
Additional Expenses/ Add-On Expenses/ Section 7 Expenses	In addition to the base amount of support payable under child support guidelines, the court can order the payment of additional expenses .These expenses can be for education; medical, dental, visual or other health care; childcare or extracurricular activities .
Action	A lawsuit or application that is made in the courts .For example, when you apply to the court for a change in child support, you are taking a legal action .You may take action to enforce your rights or to correct a wrong that is done to you .
Affidavit	A written statement of facts that a person swears or affirms is true before a commissioner for oaths .Affidavits may be used to prove the identity of the person signing a document (Affidavit of Execution) or to prove that you have delivered documents to another person (Affidavit of Service) or to set out the facts supporting your application.
Applicant	The person who is making an application to the court, for example under the <i>Family Law Act</i> .
Arrears	If a support payment is not made when due under the support order, that amount of unpaid support is referred to as arrears .
Assessment	A meeting with a Resolution Services staff member to collect information about a person's current situation and to help them choose an appropriate course of action .Assessment could include screening for family violence, determining immediate needs, and/or referral to further Family Justice Services programs or other resources .
Caseflow Conference	A conference that has been scheduled between a Caseflow Coordinator, the parties, and their legal counsel if any .The purpose of the conference is to explore settlement options, facilitate settlement and facilitate access to the Court system .
Caseflow Coordinator	A Resolution Services employee who facilitates the Caseflow Conference.
Chambers Application	<p>A court session in Court of Queen’s Bench where parties make applications to a Justice .Justices hear Chambers Applications in court rooms .</p> <p>In contrast to a trial where witnesses present evidence orally, parties usually present chambers evidence in writing, by affidavit .</p> <p>Chambers applications that will take more than 20 minutes to argue are set for a Special Chambers Application.</p>

Term	Description/Definition
Child Protection and Intervention Mediation	A voluntary, confidential and informal process for resolving disputes with respect to any decision made by a Director or designate under the <i>Child, Youth and Family Enhancement Act</i> .Family members and Human Services caseworkers engage in a facilitated conversation led by a Family Mediator . This is a joint initiative of Human Services and Alberta Justice .
Child Support Calculation	Resolution Services staff reviews income information received from parties and inputs into a computer program (ChildView) that generates a Child Support Calculation form for use by the Court .
Child Support Calculation Review Memo	A one-page document attached to a Child Support Calculation, intended to point out anomalies in the calculation to the Court .
Child Support guidelines	The federal <i>Divorce Act</i> and the Alberta <i>Family Law Act</i> set out rules for the amount of child support a payor is required to pay .The base amount payable depends on the payor's income and the number of children to be supported . In addition to the base amount, the guidelines set out how much is to be paid for additional or section 7 expenses
Child Support Recalculation Program (RP)	An Alberta Government program that helps parents keep their court-ordered child support amounts current .RP uses the parent's income tax returns to adjust eligible orders each year on the anniversary of the order being granted . RP charges a service fee .
Child Support Resolution Officer	A lawyer who meets with parents to assist them in resolving their child support issues prior to proceeding to the Court of Queen's Bench in the Judicial Centre of Edmonton .
Child Support Resolution Session	A meeting set up through a formalized court process where parties meet with a Child Support Resolution Officer who assists them in negotiating the issue of child support prior to proceeding to the Court of Queen's Bench in the Judicial Centre of Edmonton .
Consent Order	A Court Order that shows both parties are in agreement with everything in the Order.

Term	Description/Definition
Consent to Mediate	A document that outlines the criteria for accessing Resolution Services mediation, confidentiality information, the role of the mediator and the responsibilities of all parties involved in the mediation .Signing the document is an acknowledgement that the parties understand and commit to the terms of the Consent to Mediate .
Contact Notes	A document prepared by Resolution Services (RS) staff and kept on an RS Client file to record staff contact with a family member or other relevant person, and file related activity .
Court generated Order (CGO)	Court orders in the Court of Queen’s Bench that are prepared by Court or Resolution Services staff where litigants are self-represented .
Custody	<p>In family law cases, this describes the arrangement made for the care of children when parents separate .This term is not used in the provincial <i>Family Law Act</i> but is used in the federal <i>Divorce Act</i> .Different types of child custody arrangements include:</p> <p>Joint Custody Parents jointly make major decisions about the children’s care, education, religion and welfare .The children may live primarily with one parent and the other parent may spend regular time with the children .</p> <p>Sole Custody The children live primarily with one parent, and that parent has the right and responsibility to make major decisions about the children’s care, education, religious instruction and welfare .The other parent usually has access to the children .</p> <p>Shared Custody According to the Child Support Guidelines, shared custody is where the children live at least 40% of the time with each parent .</p> <p>Split Custody When parents have more than one child and each parent has one or more of the children living primarily in their household .</p>
Defendant	The person responding to a court action, for example a divorce or matrimonial property action .
Desk Order	An Order granted by a Judge or Justice without the parties appearing before them in Court .

IMPORTANT INFORMATION

Term	Description/Definition
Dispute Resolution Process	A process to resolve legal matters ranging from a collaborative process that involves parties agreeing on the process and the results, to an adversarial process where decisions are imposed .
Dispute Resolution Officer	A lawyer who meets with parties to assist them in resolving their child support issues prior to proceeding to court in the Judicial Centre of Calgary.
Dispute Resolution Officer Session	A meeting set through a formalized court process where parents meet with a Dispute Resolution Officer who assists them in negotiating the issue of child support prior to proceeding to the Court of Queen’s Bench in the Judicial Centre of Calgary .
Divorce Review	Desk Divorces are reviewed by Resolution Services or Court staff before being submitted to a Justice for signature .
Docket Court	A court session, in Provincial Court, in which parties present their case or provide the judge a status report about their court application .The court may direct parties to exchange documents, explore a dispute resolution process, adjourn the matter or make an order .Multiple court applications are heard in a single docket session.
Docket List	A list of cases to be called by the court at any given Provincial Court session .
Public Legal Education and Information (PLEI)	As part of PLEI, information is offered to individuals in a lecture or skill based format .Focus is on issues surrounding parenting apart, and communication .Current programs include: <ul style="list-style-type: none"> · Parenting After Separation (PAS) – in-person or on-line · Parenting After Separation High Conflict (PASHC) · Focus on Communication in Separation (FOCIS)
Emergency Protection Order (EPO)	A Provincial Court order, granted under the <i>Protection Against Family Violence Act</i> that provides an immediate period of safety . In emergency situations, an application for an EPO can be made without notice to the “violent” party (the respondent). The application can be made by the person who has been exposed to family violence (the Claimant), a police officer or an authorized government employee. This order is reviewed by the Court of Queen’s Bench within 9 business days . See Queen’s Bench Protection Order .

Term	Description/Definition
Ex Parte	A court application made by one party without notice to (i.e. in the absence of) another party.
Family Court Counsellor	A professional staff within Resolution Services who provides service, assistance and on-going assessment to all parties which may include information, referrals, court preparation, facilitating interim or longer term agreements and court presentation. The Family Court Counsellor is not an advocate for either party and does not provide legal advice or opinions.
Resolution Services	Resolution Services (RS) is a group of programs and services offered by Alberta Justice in collaboration with the courts of Alberta. RS works directly with individuals to find appropriate solutions for legal disputes.
Family Mediation	A voluntary, confidential and informal process that addresses the concerns and needs of all parties involved in a family law dispute. Parties engage in a facilitated conversation led by a Family Mediator. Resolution is by mutual agreement of the parties.
Family Mediator	A qualified professional in the area of conflict management. Family Mediators support the parties in reaching a decision and do not take sides, make decisions or suggest solutions. The parties come to their own solutions and nothing is imposed by the Family Mediator.
Family Violence	<p>Family violence is the abuse of power within relationships of family, trust or dependency. Family violence may include some or all of the following behaviors: physical abuse, psychological abuse, criminal harassment/ stalking, verbal abuse, sexual abuse, financial abuse, and spiritual abuse.</p> <p>For Emergency Protection Orders and Queen’s Bench Protection Orders, the <i>Protection Against Family Violence Act</i> defines family violence as including:</p> <ul style="list-style-type: none"> (i) any intentional or reckless act or omission that causes injury or property damage and that intimidates or harms a family member (ii) any act or threatened act that intimidates a family member by creating a reasonable fear of property damage or injury to a family member (iii) forced confinement (iv) sexual abuse, and (v) stalking.
File (action of filing)	The act of giving your Court documents to the Clerk who reviews and stamps them with the filing date and places the original documents on the court file.

IMPORTANT INFORMATION

Term	Description/Definition
RS Client File	A file prepared by Resolution Services (RS) staff for use by RS only . An RS Client File includes client information collected for RS programs . It does not include spreadsheets of client names or names collected for statistical purposes .
Focus on Communication in Separation (FOCIS)	An interactive communication course for parents who are parenting apart that aims to enhance the communication skills of parents, reduce parental conflict and improve long term outcomes for children .
hearing	A court session where a judge decides questions of fact and law in a dispute between opposing parties .
Information Services	Provision of information to individuals about court processes, programs and services . Information is available by phone, website, in person and through the distribution of forms and pamphlets .
Assessment Services (within RS)	A consultation in person, by phone or other electronic means, facilitating an assessment of client needs and assisting the client to determine appropriate options, to make informed choices relating to their family law issues and to focus on the best interests of children .
Judicial Dispute Resolution	A voluntary dispute resolution process in Court of Queen’s Bench and Provincial Court where a judge facilitates resolution of all or part of a claim by mutual agreement of the parties .
Maintenance Enforcement Program (MEP)	<p>The Alberta Maintenance Enforcement Program (MEP) is authorized by the <i>Alberta Maintenance Enforcement Act</i> and Regulation to ensure that individuals meet their obligations to pay spousal and child support under the terms of their court orders and certain agreements . Once an order or agreement has been registered with MEP, maintenance payments that the debtor (payor) would normally pay directly to the creditor (recipient) are sent to MEP . MEP then forwards the payment to the creditor once the funds have cleared through a trust account .</p> <p>In cases of default (non-payment) by the debtor, MEP has the legislative authority to take steps to enforce the support owed . These enforcement tools include registrations at Land Titles and the Personal Property Registry, wage, non-wage and federal support deduction notices, federal licence (passport) denials, motor vehicle restrictions and driver’s licence suspensions . MEP also has access to a variety of databases to assist in locating a debtor or a debtor’s assets or income .</p>

Term	Description/Definition
Mediated Agreement	A written summary, prepared by the mediator, of their understanding of the decisions reached by the parties in mediation .The mediated agreement is not considered to be a legally binding document .
Mediation	A voluntary, confidential and informal process that addresses the concerns and needs of all parties involved in a dispute .Parties engage in a facilitated conversation led by a Mediator . Resolution is by mutual agreement of the parties.
Mediator	A qualified professional in the area of conflict management .Mediators support the parties in reaching a decision and do not take sides, make decisions or suggest solutions .The parties come to their own solutions and nothing is imposed by the Mediator .
Notice to Disclose	A document that asks a person to provide financial information to the requesting party.
Parenting After Separation (PAS)	A course offering information to parents about the separation and divorce process, the effects of separation and divorce on children, techniques for communication and legal information that affects parents and children.
Parenting After Separation high Conflict (PASHC)	A course offering information to parents who have already completed Parenting After Separation .The focus is on the process of separation, how to emotionally disengage from one another and how to identify and renegotiate boundaries .
Parenting Time	Under the <i>Family Law Act</i> , parenting time is time when a guardian has the power to make day-to-day decisions about a child, and has day-to-day care and control of the child .This time is set out in a parenting order or agreement .The concept of parenting time is used in the <i>Family Law Act</i> in place of “custody” and “access” .
Party	Someone who is directly involved in the court action or application .A party can be either a plaintiff or defendant, or an applicant or respondent .
Peace Bond	An Order under Section 810 of the Criminal Code that requires a respondent to have no contact with persons named in the order and to stay away from specific locations . Individuals usually apply for peace bonds in non-emergency situations, and the respondent receives notice of the application . The legal document and process is the same for both family and non-family .

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Term	Description/Definition
Person Standing in the Place of a Parent	A legal term for someone who is not a biological parent of a child but who acts like a parent to the child .The court may treat the person the same as a biological parent for custody and parenting time/access rights .The court may also decide that the person has a financial responsibility to support the child .(In the past, the term ‘In Loco Parentis’ was used .)
Plaintiff	The person who starts a court action for divorce .
Pretrial Conference	An informal meeting where the parties and a Provincial Court Judge discuss options for resolution and the parties’ overall preparedness for trial .
Queen’s Bench Protection Order	A Queen’s Bench order granted under the <i>Protection Against Family Violence Act</i> that provides for a defined period of safety .A claimant applies for this order in non-emergency situations, or it can be made upon the mandatory review of an Emergency Protection Order .The respondent to the application receives notice of the court hearing .
Reciprocating Jurisdiction	A province, state or country that has an agreement with Alberta that they will each enforce the other's support order when one party lives in Alberta and the other party lives in that province, state or country
Recognizance	A (document, order, form) which imposes obligations on an accused in a criminal matter to comply with certain conditions following his/her release from custody pending trial, with a financial penalty or return to custody if those conditions are not followed .
Respondent	A person responding to an application to court, for example under the <i>Family Law Act</i> .
Restraining Order	A Court of Queen’s Bench Order that prohibits the respondent from harassing, molesting, watching, following, telephoning, or otherwise interfering with or contacting the Applicant .

Term	Description/Definition
Return Notice	A form used to return a Desk Divorce Package to lawyers or parties when there are errors .
Screening	The process of identifying specific factors in a client’s situation to assist with referrals or assessment .
Special Chambers Application	A contested Chambers Application that is anticipated to last more than 20 minutes and less than an hour .This application has specific filing requirements . It is governed by Queen’s Bench Practice Note 2 .
Special Chambers Application with <i>viva voce</i> evidence	A Special Chambers Application where parties present some evidence orally, rather than by affidavit .
Stay of Enforcement	An Order of the Court of Queen’s Bench directing the Maintenance Enforcement Program to stop taking certain steps to collect any support that is still owed by a person .A Stay of Enforcement may only be ordered for a limited time period, and is usually ordered with conditions imposed upon the person who is required to pay the support .For example, one condition may be that minimum monthly payments must be made or the Stay of Enforcement will end .
Support Order	An Order made by a court directing that money be paid, usually on a monthly basis, for either spousal/partner support or child support .The word “maintenance” can be used instead of “support” .In the past, the term “alimony” was used to refer to spousal support .
Trial	A court session where a judge or jury decides questions of fact and law in a dispute between opposing parties .Evidence of witnesses is generally given orally rather than by affidavit .
Undertaking	A document signed by an accused in a criminal matter showing agreement to comply with certain conditions while they are released from custody pending trial or their next court appearance . A promise given by a party or witness in a civil matter to answer a specific question or provide a document or other information at a later date .

IMPORTANT INFORMATION

Website References

- The Alberta Law Line: Free legal information and referrals for all callers .Free legal advice based on financial eligibility . www.albertalawline.ab.ca
- For general information about Alberta Justice visit the website at www.justice.gov.ab.ca
- For more information about Resolution and Court Administration Services visit www.rcas.alberta.ca
- Alberta Family Mediation Society .A non-profit organization that provides mediation services . Visit there website for more resources . www.afms.ca
- Legal Education Society of Alberta www.lesa.org
- Family Violence Prevention . www.child.gov.ab.ca
- For many helpful resources on parenting after separation or divorce, visit the Justice Canada website at www.justice.gc.ca .From the *Resources* menu, browse relevant topics such as Divorce, Child Support, and Family Violence Or, go directly to www.justice.gc.ca/eng/pi/fcy-fea/index.html where you will find resources for supporting families through separation or divorce . A particularly helpful resource for children ages 9 or older is a booklet and calendar titled *What Happens Next*, which can be downloaded .
- For more information about Family Law visit the Alberta Legal Information Society's website www.legalave.ca
- To access helpful legal education and information resources visit the Centre for Public Legal Education Alberta (CPLA) www.cplea.ca
- To view a series of videos that give instructions to complete and file the paperwork to get a divorce visit www.alberta.ca/alberta-divorce-guides.aspx

Family Mediation Program Provincial Court and Court of Queen's Bench
Alberta Justice offers mediation services without charge to those who qualify .

For program information please contact Resolution Services:

Resolution and Court Administration Contact Centre
Edmonton 780-638-4747
Toll free 1-855-638-4747

Visit the Resolution and Court Administration Services website
www.rcas.alberta.ca