



Improving the lives of children and families
through the resolution of family conflict



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Register now for the 14th Symposium on Child Custody

The Future of Child Custody: Stacking the Deck in Favor of Children

November 9-13, 2020
(or November 10-14, depending on your time zone)

The 14th Symposium on Child Custody will take place virtually. While the event will look and feel different than usual, many AFCC mainstays will remain.

Attendees will still have the opportunity to learn from experienced family law professionals, earn continuing education credit, and network with colleagues. Even the hospitality suite continues to be part of the experience!

- Choose one of two pre-symposium institutes
- Attend up to 10 workshop sessions on a wide variety of important topics
- Watch the opening session, *Stacking the Deck in Favor of Children: What to Do When the World Goes Haywire*
- Learn more from the plenary session, *Betting on the Voice of the Child in Parenting Disputes*
- Earn up to 22.5 hours of continuing education credit

[Read the conference program](#) brochure for complete details! We look forward to seeing you there.

14th Symposium on Child Custody

November 9-13, 2020



(or November 10-14, depending on your time zone)

Thank you to our symposium sponsor, Soberlink!



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Apply for a scholarship

Thanks to generous donations from AFCC members, AFCC is able to provide a limited number of scholarships to the virtual symposium. Scholarships include one pre-symposium institute, conference registration, and a certificate of attendance. The application deadline is Tuesday, September 29, 2020. [Apply online](#).

Sponsor the Symposium

Many thanks to our symposium sponsor, [Soberlink](#)! Join Soberlink—promote your business on the event sponsor page. Contact [Gina Wentling](#) for details and affordable pricing.

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Point-Counterpoint: Online Custody Evaluations

Forensic family court evaluations look different in light of restrictions to in-person services due to the coronavirus. Views on delivering these services online vary widely. Many practitioners feel the tension between their commitment to serve families who need help and determining the appropriate practice for these new circumstances.

Two teams of experienced family law professionals have written position papers on the subject. The *AFCC eNEWS* presents them here for your consideration as you determine your course of action.

POINT: The case against online custody evaluations

Forensic Family Court Evaluations and the COVID-19 Pandemic: Considerations & Concerns

William Campagna, PhD; Erik Dranoff, PhD; David Gomberg, PhD; Judith Brown Greif, DSW; Mathias Hagovsky, PhD; Sharon Ryan Montgomer, PsyD; Marcy A. Pasternak, PhD; Robert Rosenbaum, EdD; Dennis Shaning, PhD; Mark Singer, EdD

COUNTERPOINT: The case for online custody evaluations

Position Paper in Support of Remote Forensic Family Court Evaluations

Bud Dale, PhD (ABPP), JD; William Frankenstein, PhD; Donald Franklin, PhD; Barry Katz, PhD; Eileen A. Kohutis, PhD; Cynthia Lischick, PhD, LPC, DVS; Madelyn Simring Milchman, PhD; Jonathan D. Wall, PsyD

Interested in learning more about using technology in your practice during the pandemic and its aftermath? Sign up for the pre-symposium institute during **the 14th Symposium on Child Custody**, titled *Online Dispute Resolution, Teletherapy, and Remote-Child Custody Evaluations in the Age of COVID-19 and Beyond*. Read the [conference program brochure](#) to learn more.



Platinum Sponsors



AFCC Chapter Conferences

Florida Chapter Annual Conference

Begins September 24, 2020
Being held virtually

Indiana Chapter Annual Conference

October 2, 2020
Being held virtually

Illinois Chapter Annual Conference

October 2, 2020
Being held virtually

Ontario Chapter Annual Conference

October 16, 2020
Being held virtually

Texas Chapter Annual Conference

November 5-6, 2020

The AFCC Flash Webinar Series Begins Next Week

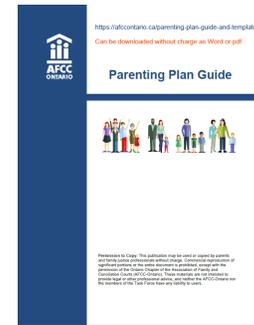
Austin, Texas

The AFCC Flash Webinar Series on Parenting Coordination, a special package of four webinars presented by authors from the July 2020 special issue of *Family Court Review*, begins next week. [Register now!](#)

Topics include:

- Parenting Coordination in Cases Involving Intimate Partner Violence (August 25, 2020)
- Effective Use of Parenting Coordination: Considerations for Legal and Mental Health Professionals (August 27, 2020)
- Enhancing Efficacious Parenting Coordination (September 1, 2020)
- Voices or Ghosts? The Place of Children in Parenting Coordination (September 3, 2020)

Resource of the Month



Parenting Plan Guide AFCC-Ontario Task Force

The registration fee (\$70 for members; \$175 for non-members) includes all four live webinars, plus access to the handouts and recordings after the series.*

One registration includes all presentations in the Flash Webinar Series; registration for individual webinars in the series is not available.



Thanks to the AFCC Flash Webinar Series sponsor, [OnlineParentingPrograms.com](#).

**Access to recordings and resources is not guaranteed for AFCC members who do not register for the series.*

[Register now!](#)

AFCC Parenting Coordination Training Programs to Be Delivered Virtually

The AFCC Training Programs, typically held at the University of Baltimore in early December, will be delivered online due to the coronavirus pandemic. The training programs are aligned with AFCC's [Recommendations for Comprehensive Training of Parenting Coordinators](#) (PDF). The programs take place during the first two weeks of December. Attendees could earn up to 24 hours of continuing education credit. The program will address the fundamentals of parenting coordination, as well as advanced issues for professionals working with families in conflict. Stay tuned for a comprehensive brochure and schedule, coming in next month's *eNEWS!*

AFCC-Ontario Parenting Plan Guide and Template

Prof. Nicholas Bala and Justice Andrea Himel

To support and encourage the making and use of child-focused, realistic parenting plans, the Ontario Chapter of the AFCC ([AFCC-O](#)) prepared its Parenting Plan Guide and Parenting Plan Template, making these web-based materials available without charge to parents and their professional advisors.

The preparation of these materials was also part of a reorientation of Canada's family

justice system to respond to major changes to the provisions of the Divorce Act, coming into force March 1, 2021.

Congratulations to the AFCC-O Task Force: Nicholas Bala, Chair; Rachel Birnbaum; Brian Burke; Crystal George; Kim Harris; Justice Andrea Himel; Carolyn Leach; Rana Pishva; Michael Saini; and Jennifer Wilson.

[AFCC-O Parenting Plan Guide](#) [Parenting Plan Template](#)

[Resolution Systems Institute \(RSI\) Resource Center](#)

RSI's [Research Library](#) contains over 2,000 items, covering a broad and extensive range of alternative dispute resolution (ADR) topics. You can find resources on access to justice, best practices, best interests of the child, children in mediation, intimate partner violence, online dispute resolution, and parenting agreements, among others. Use the Advanced Search Option to search by resource type, process type (mediation, arbitration, etc.), and case type.

In addition to the Research Library, RSI's [Resource Center](#) houses a vast amount of other incredibly valuable resources to ADR practitioners. These resources include:

- [Guide to Program Success](#), a step-by-step guide for courts on how to design, manage, and evaluate their court ADR program
- [Mediation Efficacy Studies](#), the most comprehensive collection of resources about court ADR effectiveness
- [Model Mediation Surveys](#), a collaborative effort between RSI and the ABA Section of Dispute Resolution, these surveys enable courts to obtain high-quality data to evaluate their court programs
- [Model Tools for Mediator Peer Review](#), a set of documents that any court mediation program can use to implement a process to allow neutrals to candidly assess one another's performance
- [Special Topics](#), which provide in-depth examinations of various court ADR topics such as topics by profession and by subject

[AFCC Webinar Corner](#)

[Dealing with Difficult Clients: Whose Side Are You on Anyway?](#)

Jeff Soilson, JD

September 16, 2020 | 1:00-2:00pm Eastern Time US

Registration closes on September 15, 2020 at 9:00am Eastern Time US.

Effectively managing relationships with difficult clients is a worthy skill set. Whether engaged with a difficult client seeking your expertise as a mental health professional or as an attorney, learning how to identify high conflict people and having the right tools to effectively and efficiently manage those relationships can make your practice more enjoyable, help distinguish your practice from others not up for the challenge, and enable you to provide a valuable service to clients in desperate need of help during the most difficult times in their lives. This webinar will focus on how to identify difficult clients, the tools you need to help them define and achieve reasonable goals, and how acquiring and utilizing this specialized skill set will lead to a greater sense of enjoyment and accomplishment in your professional practice.



Registration

Members: \$15

Non-Members: \$50

Certificate of Attendance

Members: \$15

Non-Members: \$20

Continuing education credit may be available for lawyers, judges, psychologists, social workers, counselors, and other professionals. [Learn more.](#)

[Register today!](#)

Stay tuned for October's webinar:
Voice of the Child: An International Perspective

Rachel Birnbaum, PhD, RSW, LLM
October 13, 2020 | 1:00-2:00pm Eastern Time US
[Register now!](#)

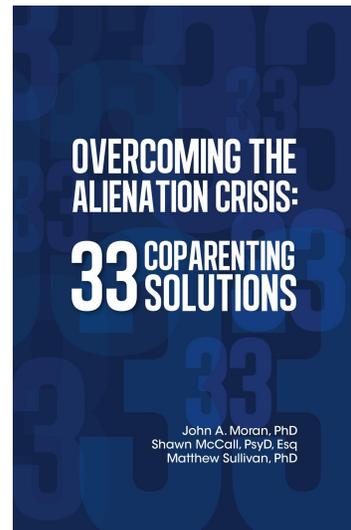
Chapter News

Lisa Londergan, AFCC member in Austin, Texas and new president of Texas AFCC, represents clients in all areas of family law. Her practice includes extensive experience in negotiating and litigating issues involving divorce, contested child custody, high net worth asset division, visitation rights, geographical restrictions, spousal and child support, prenuptial agreements, and modification and enforcement actions. In addition, Lisa is an experienced mediator helping parties reach agreement through alternative dispute resolution. Lisa's clients include business owners, business professionals, medical professionals, executives, attorneys, educators, stay-at-home parents, and their spouses.



Member News

Psychologists and AFCC members **John Moran, PhD** (Ottawa, Ontario), **Shawn McCall, PsyD, Esq.** (San Francisco, California), and **Matthew Sullivan, PhD** (Palo Alto, California) present a balanced view of alienation, coparenting conflict dynamics, and parent-child resist refuse problems in ***Overcoming the Alienation Crisis: 33 Coparenting Solutions***, a must-have resource for professionals and parents wanting to restore parent-child relationships. Drawing on decades of experience as clinical forensic experts with family court cases, they drill down into the everyday challenges and dilemmas parents face when a child resists or refuses contact with a parent. Coparents will find hands-on solutions, strategies, and tips for 33 coparenting problems and predicaments. Congratulations, John, Shawn, and Matt!



Archana Medhekar, AFCC member in Toronto, Ontario, co-authored the book ***Domestic Violence in Immigrant Communities: Case Studies*** with colleagues Ferzana Chase, Bethany Osborne, and Purnima George. Archana works as an accredited family mediator, family lawyer, and parenting coordinator. Archana is a panel lawyer for Office of the Children's Lawyer and represents children in custody access and child protection proceedings. She speaks English, Hindi, Urdu, and Marathi, and has working knowledge of Gujarati and Punjabi. Archana is a public speaker and presenter at legal education workshops for newcomer immigrant and refugees and trainers; she has also spoken at community events and



conferences. Congratulations, Archana!

Larry Waldman, PhD, AFCC member in Scottsdale, Arizona, is a recently semi-retired certified school psychologist and licensed clinical, forensic psychologist in Phoenix, Arizona.

Love Your Child More Than You Hate Your Ex: What Every Divorced Parent Needs to Know, published in March by Outskirts Press, is his seventh book. The book is based on Waldman's 45 years of clinical psychological practice, including 20 years as a forensic expert as custody evaluator, parenting coordinator, and therapeutic integrationist in the Phoenix, AZ family courts. Issues discussed include how we form our relationships, why marriages fail, what divorce looks like to the child, and parenting through divorce. Congratulations, Larry!



Philip S. Wartenberg, JD, AFCC member in Tampa, Florida, was recently named Treasurer of the Family Law Section of the Florida Bar. Philip is board-certified in marital and family law and currently serves as a general magistrate of the Thirteenth Judicial Circuit in Tampa. He graduated from the University of Florida, Warrington College of Business in 1991 with a bachelor's degree in Finance and earned his JD in 1994 from Stetson University College of Law. In 2008, he was bestowed with the Family Law Inn of Tampa's Ted S. Millison Professionalism Award and has been designated as a Florida Super Lawyer. He is a past chair of the Florida Bar Family Law Section's Legislation and Certification Review Course Committee. Congratulations, Philip!



Do you have a notable achievement to share? Email [Gina Wentling](#) with your story and a professional head shot (JPEG or PNG preferred), if you have one, to be featured in next month's Member News!

AFCC eNEWS

The *AFCC eNEWS* is the monthly e-newsletter of the Association of Family and Conciliation Courts. The *eNEWS* provides up-to-date information for professionals including practice tips, international news, and the latest initiatives in family law and conflict resolution. The *AFCC eNEWS* is provided at no charge to you; anyone can subscribe.

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AFCC members are free to share eNEWS content.

EDITOR:

[Katie Porter, MSW, JD](#)

ASSOCIATE EDITOR:

[Gina Wentling](#)



FORENSIC FAMILY COURT EVALUATIONS AND THE COVID-19 PANDEMIC: CONSIDERATIONS & CONCERNS

The COVID-19 Pandemic has imposed unprecedented challenges on families, the legal community, and on the mental health practitioners whose role it is to evaluate families and make recommendations regarding the child's best interest. **While virtual communication is being relied upon by those in a myriad of professional fields at this time, it may not be suitable or advisable to conduct Forensic Family Court Evaluations (FFCEs) through virtual technologies, other than for perhaps a limited portion of the process.** By FFCE, we are referring to best interest/custody evaluations or any other evaluation involving the interview or observation of children.

While virtual platforms may be suitable at this time to conduct psychotherapy, parenting coordination, or mediation, such is not the case for evaluations. While the judicial and legal communities are coping with the crisis by using virtual platforms for some of their work, we do not believe that evaluators conducting FFCEs can do the same. There are significant scientific, pragmatic, and ethical issues with this approach that we would like to bring to your attention. Our evaluations and recommendations can only be relied upon when conducted within the legal standard of a "reasonable degree of psychological certainty," and this cannot be accomplished via the predominant use of remote or virtual technologies. Our concerns are explained below:

RELIABILITY AND VALIDITY CONCERNS:

The main purpose of FFCEs is to provide guidance to separating/divorcing families, their lawyers, and the courts. To ensure the quality, accuracy, and reliability of data obtained upon which these recommendations rest, it is essential to adhere to Best Practice standards and ethical guidelines. Inaccurate assessments may potentially lead to recommendations that may not be in the best interest of the child. This has serious implications for the families with whom we work, the judicial system, and the forensic mental health community. Reliance on virtual technologies raises significant concerns including:

LACK OF CONTROL OF THE ASSESSMENT ENVIRONMENT:

1. UNDETECTABLE THIRD-PARTY INFLUENCE:

Evaluations conducted in the privacy of an evaluator's office provide a controlled and standardized environment void of the direct or indirect influences of third parties, distractions, or interruptions, and the risk of being recorded. This cannot be guaranteed in virtual settings.

2. LOSS OF VALUABLE DATA:

- In person interviews provide valuable information that is impossible to obtain or duplicate remotely. Virtual technologies condense the arena in

which one can observe an individual/family's nonverbal communication, such as: small and subtle behaviors, eye contact, hygiene, etc. An evaluator would not be able to, for instance, detect the odor either of alcohol or smoking.

- The focus of these assessments is to address the best interest of the child. This includes the needs of the child, the parent-child interactions, and the different parenting styles/capacities of each of the parents. Often the most valuable information is obtained from the parent-child observational interviews in the evaluator's office and in the family's home environment. The latter can also provide important data about the home environment and the sibling/extended family member interactions. This cannot be duplicated remotely.
- Individual interviews with children are very problematic virtually. Developmentally, younger children do not do well with any form of technology, particularly with someone they do not know. The evaluator's office additionally provides a neutral setting versus one of the parents' homes in which a child might feel less comfortable speaking freely. This is particularly the case given that many children's parenting schedules have been disrupted during the constraints of the current Pandemic. Many children are presently residing only with one parent. To mitigate parental influence, evaluators usually have the parents alternate bringing the children for their individual interviews, which is sometimes impossible remotely if the child is not residing with each of them and cannot be observed in both homes.

3. PSYCHOLOGICAL TESTING CONCERNS:

Psychological testing used in FFCEs is not designed for remote administration. As a result, the reliability and validity of the psychometric instruments is undermined, which in turn renders the use and interpretation of the testing highly questionable. Furthermore, psychological testing cannot be done unmonitored, freedom from distraction cannot be guaranteed, administration instructions cannot be abided, and test security and copyright concerns are compromised in a virtual-only environment. As a result, the evaluators would be left with the choice between making decisions based on faulty and uncertain data or conducting an evaluation that may not meet the reasonable degree of psychological probability threshold.

4. NO ACCEPTED STANDARDS FOR REMOTE TECHNOLOGIES IN FFCEs.

- There is no research validating the use of virtual technologies, particularly in Forensic Family Court Evaluations.
- There is no available training for remote/virtual technologies. We would, therefore, be practicing outside of our competencies in an unstandardized manner and without generalized acceptance by the Family Court evaluators/peers.
- The sophisticated equipment that has been recommended in some of the literature (Adjorlolo S & Chan H.C. 2015, Forensic Assessment via Video Conferencing: Issues and Practice Considerations, Journal of Forensic Psychology Practice 15 (3)) is either prohibitive or unattainable for forensic mental health professionals in private practice or for the family being evaluated.
- Another important consideration is the security of the platforms from possible hacking, snooping, or recording of data and information generated during the assessment. These privacy and confidentiality risks cannot all be controlled by the evaluator, but nevertheless, remain the evaluator's responsibility to ensure. Data encryption procedures, firewalls, and gateways have also been recommended, as well as Internet connections such as Ethernet.

5. PANDEMIC EFFECTS ON DATA:

The reliability of information obtained in the context of the COVID-19 Pandemic is of grave concern. The degree of stress that the families are experiencing is unprecedented and may not be representative of their usual level of functioning and/or generalizable for Best Interest of the Child purposes.

6. ETHICAL CONCERNS:

- It is of concern that evaluators would take on an ethical and malpractice risk by conducting Evaluations for which there is no underlying scientific or empirical basis. Appointment by Court Order or otherwise retained does not mitigate this risk – where there is a conflict between what we are asked to do and what our ethical and professional principles mandate, the latter prevails. More important to the legal community, as previously

indicated, we would potentially be offering a product that would not satisfy the evidentiary admissibility standard in New Jersey.

- Lastly, similar practical problems exist in the realm of malpractice concerns, licensure regulations, and the absence of guiding protocols for screening who is suitable to participate remotely. There are also technologically based complications, such as encryption issues, the quality of the audio and the video transmissions, etc.

CONCLUSION

While our desire to be able to provide an important service to the families and the legal system remains unaffected, determining the role of virtual assessment and technology in FFCEs needs to be studied prospectively and thoughtfully, and not as a concession to the present urgency. We intend to review and consider psychological research and practice as it becomes available. It is for these reasons taken together that we question the feasibility of conducting complete and thorough FFCE's solely through or by the predominant use of remote-virtual methods.

Respectfully submitted May 15, 2020 by:

William Campagna, Ph.D.
Erik Dranoff, Ph.D.
David Gomberg, Ph.D.
Judith Brown Greif, D.S.W.
Mathias Hagovsky, Ph.D.
Sharon Ryan Montgomery, Psy.D.
Marcy A. Pasternak, Ph.D.
Robert Rosenbaum, Ed.D.
Dennis Shaning, Ph.D.
Mark Singer, Ed.D.

UPDATE ON FORENSIC EVALUATIONS: REOPENING OUR OFFICES

As professionals committed to assisting families and the Court, we thank you for your thoughtful consideration of and kind response to our May 15, 2020 paper regarding Forensic Family Court Evaluations during the COVID-19 pandemic. In our attempt to provide thorough, valid, reliable, and timely evaluations, we remain vigilant in offering opinions that will not only meet the rigors of the legal system but also give primary place to the best interest of children.

Consistent with our own professional standards, the challenging and evolving COVID-19 crisis, the State's phased opening plan, and CDC guidance, we are implementing procedures to reopen our office in a manner promoting valid and reliable assessments, employing best practices, and attending to the concerns of clients and their children.

We are:

- Reaching out to parents and attorneys to inform them that we are resuming in-person interviews.
- Reopening our offices and implementing extensive health precautions, which will promote interactions which are both safe and comfortable.
- Explaining to the parents our new office procedures and requirements to ensure that the meetings are as safe as possible.
- Whenever possible, scheduling home visits and/or child observations at a time when the weather will likely accommodate comfortable and secure outdoor interactions.

Again, we express our gratitude for your understanding and patience. Like you, we are committed to assisting families in a responsible manner while adhering to professional standards.

June 15, 2020

Respectfully,

William Campagna, Ph.D.
Erik Dranoff, Ph.D.
David Gomberg, Ph.D.
Judith Brown Greif, D.S.W.
Mathias Hagovsky, Ph.D.
Sharon Ryan Montgomery, Psy.D.
Marcy A. Pasternak, Ph.D.
Robert Rosenbaum, Ed.D.
Dennis Shaning, Ph.D.
Mark Singer, Ed.D.

Position Paper in Support of Remote Forensic Family Court Evaluations

The impact of the COVID-19 pandemic on the child custody community has been astounding. Almost immediately after the World Health Organization identified the pandemic, provision of in-person mental health services was discouraged as possibly unsafe both to the mental health provider and to the consumers of services. These safety concerns applied to forensic family court evaluations (FFCE). Family courts have had to confront questions about the merits of remote evaluations during a time when in-person evaluations were not possible. While the capability of providing behavioral health services via videoconferencing and other telehealth technologies has been extended to virtually all clinical aspects of behavioral and mental health practice, utilizing these technologies has not been a serious topic prior to the COVID-19 pandemic. Until now.

Currently and into the foreseeable future, psychological and forensic evaluations such as FFCEs, if they are to be done at all, must be done via remote video technology. We join the NJPA Psychologists for Promotion of Child Welfare Work Group (PPCW) and the New Jersey Department of Children and Families in supporting the use of remote video technology to conduct necessary psychological and forensic evaluations – in this case, FFCEs.

In a Position Paper published April 20, 2020, NJPA PPCW outlined the rationale for use of remote video technology in psychological and forensic evaluations, a rationale that we view must be appropriately extended to FFCEs. Video conference-mediated telemental health has become an accepted practice used in a broad array of conditions, clinical populations, and settings. These include assessment and therapy with adults and children across a broad array of conditions and clinical populations, neuropsychological assessment, and forensic assessments in civil competence, competence to stand trial, and adult and juvenile corrections settings. Although there are limitations and persons or situations where telemental health may be contraindicated as something that cannot be safely done, the general consensus is those receiving remotely delivered at mental health service delivery are often highly satisfied (Goldstein & Glueck, 2016; Myers et al., 2008) and have equivalent outcomes when compared with in person assessments and therapy interventions (Grady et al., 2013). We concur with the NJPA statement that, “The ability to conduct such evaluations remotely offers a reasonable opportunity to conduct . . . important evaluations during this public health crisis.”

While in-person evaluation remains the preferred “standard,” many professional fields are using video conference-mediated telehealth for evaluation, treatment, and consultation. Indeed, the professions of psychiatry, psychology, social work, and professional counselors have outlined best practices and ethical principles for using telemental health. When evaluators conducting remote-FFCEs follow established best practices from the child custody evaluation community AND the established best practices within the telemental health community, their work product should be viewed as valid, reliable, and trustworthy in court.

The acceptance of use of this technology in clinical practice, as shown by numerous professional theory and evidence-informed best practice guidelines, is undeniable. For psychiatrists, the American Psychiatric Association has recognized videoconferencing as a legitimate service delivery mechanism since 1998 and, in 2018, together with the American

Telemedicine Association, promulgated a statement, *Best Practices in Videoconferencing-Based Telemental Health* (Shore et al., 2018). The American Academy of Child and Adolescent Psychiatry introduced its' guidelines, *Practice Parameter for Telepsychiatry With Children and Adolescents*, in 2008. For psychologists, the APA issued *Guidelines for the Practice of Telepsychology* in 2013 (APA, 2013). For social workers, a group of professional organizations (National Association of Social Workers (NASW), Association of Social Work Boards (ASWB), Council on Social Work Education (CSWE), and Clinical Social Work Association (CSWA) created the *Standards for Technology in Social Work Practice* in 2017. The American Counseling Association's Code of Ethics also addresses distance counseling (ACA, 2004).

This perspective recognizes that both custody evaluators and telemental health practitioners base their processes on similar scientific principles and procedures, which include adapting their protocols and techniques to the populations they serve and the demands of the context within which services are delivered. These similarities include, but are certainly not limited to, designing the assessment or therapeutic frame, establishing rapport sufficient for the mental health task – be it assessment or therapy, and objectively collecting the data and information necessary to address either clinical problems or psycholegal questions. There is a long history of clinical methods informing forensic assessments generally and child custody evaluations specifically. Almost all of the current FFCE best practices reflect integration of methods first developed in clinical practice that became accepted into this specific forensic context. Given this rich history, turning to procedures and research developed in the clinical communities is a natural way of finding methods to manage the unique demands and needs created by the current crisis.

Remotely conducting FFCEs does not change the ethical responsibilities of evaluators or their obligations to ensure the safety of those being evaluated. Telemental health service delivery does have clinical and practical limitations. Characteristics of specific individuals or situations may contraindicate safe or effective use of the technology. Special caution should be exercised in cases involving allegations of child abuse, domestic or intimate partner violence, aggressive outbursts, suicidality, and a host of other aggressive or violent behaviors that may threaten the safety of the participants. In these and other unhealthy circumstances, the telehealth best practice guidelines regarding preparation for interviews and contingency planning for potentially unsafe situations should be carefully followed, as should practices regarding privacy and data security.

One group of family court evaluators has argued against using virtual technologies such as videoconferencing as part of the solution to this dilemma. This group's proposal argues against remote FFCEs, particularly totally virtual evaluations, and asserts that evaluators using these virtual technologies cannot successfully claim to meet the threshold of reasonable degree of psychological certainty. Within this view, which they claim rests on research and collective opinion, there are claims that the limitations of remote assessment undermine the reliability and validity of results in ways that would force stakeholders to choose between making decisions based on faulty and uncertain data, or rejecting an evaluation that may not meet the reasonable degree of psychological probability threshold. After concluding that the role of virtual assessment and technology in FFCEs is a "when not if" proposition that needs to be studied prospectively and thoughtfully, and not as a concession to the present urgency, the authors of this

proposal assert they cannot undertake FFCEs using wholly remote-virtual methods. No specific solution is offered, leaving one to question whether the group wants to wait until there are solutions to the problems associated with the pandemic or until research can be conducted on use of remote technologies in FFCEs. Neither of these possibilities is certain. Nor is either of these possibilities imminent.

We respectfully disagree with this group's proposal for a moratorium on totally virtual FFCEs. Mental health professionals who undertake FFCEs understand that it is their responsibility to properly qualify the generalizability or limitations to their findings, conclusions, and recommendations, and reliance upon remote technology does not change this. Like the NJPA PPCW group who rejected indefinitely delaying evaluations in child protection cases because it ignored "the need to accurately, efficiently, and expeditiously assess parents or other family members," FFCE evaluators competent in custody forensics AND telemental health can adapt their protocols in ways that address the facts, factors, and questions that help courts resolve custody disputes without further indeterminate delays.

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Respectfully submitted,
Bud Dale, Ph. D. (ABPP), J.D.
William Frankenstein, Ph. D.
Donald Franklin, Ph. D.
Barry Katz, Ph. D.
Eileen A. Kohutis, Ph. D.
Cynthia Lischick, Ph. D., LPC, DVS
Madelyn Simring Milchman, Ph. D.
Jonathan D. Wall, Psy.D.

Using the *AFCC-O Parenting Plan Guide and Template*: Resources for Family Justice Professionals and Parents

Nicholas Bala* & Andrea Himel**

I. Introduction:

To support and encourage the making and use of child-focused, realistic parenting plans, the Ontario Chapter of the Association of Family and Conciliation Courts (AFCC-O) prepared its [*Parenting Plan Guide*](#) and [*Parenting Plan Template*](#), making these web-based materials available without charge to parents and their professional advisors.¹ These materials may be used by parents who are making plans on their own, and they are also intended to be resources that Ontario family justice professionals, including lawyers and mediators, can provide their clients so that they will be better prepared to address issues with their professional advisors. Judges may also find it useful to refer parties to these materials, especially when dealing with self-represented litigants at a pre-trial stage and trying to encourage settlement.

Although the materials discuss the value of making plans without court involvement, they also discuss the importance of seeking professional advice, and in particular, in **bolded statements**, raise concerns about voluntary arrangements in cases where there has been domestic violence, or a parent has mental health or substance abuse problems. The materials also include links to such sources of professional assistance as the [Ontario Family Law Limited Scope Legal Services Project](#) and [mediation services affiliated with the Ontario Family Courts](#).

This paper discusses project that resulted in the preparation of the materials, and provides advice about the making of parenting plans and the use of these materials.

II. Background to the Project

The idea for having an Ontario *Parenting Plan Guide and Template* originated as a response to comments made by a speaker at the Family Law Summit of the Law Society in April 2018 at a panel on making parenting plans. Toronto lawyer, Jennifer Wilson², shared materials on parenting plans from various American jurisdictions, lamented the absence of parenting plan precedents for Ontario lawyers and parents, and complained that some Ontario professionals did not seem to fully appreciate the developmental needs of young children when making parenting schedules. At that time, Ontario family justice professionals sometimes made use of the *Arizona*

* Professor Nicholas Bala, Faculty of Law, Queen's University. The authors are two members of the AFCC-O Task Force which prepared the *Guide* and *Template*. This paper is for inclusion in the materials for the Family Law Summit of the Ontario Law Society, October 1, 2020.

** Justice Andrea Himel, Ontario Superior Court of Justice (Newmarket).

¹ <https://afccontario.ca/parenting-plan-guide-and-template/>

² Jennifer Wilson, Partner, Torkin Manes

Parenting Time Guide,³ even though the governing legislation in the two jurisdictions is fundamentally different. Arizona has a presumption of equal parenting time and joint decision-making.⁴ Instead, in Ontario we are governed by the “best interests of the child” approach, in Ontario’s *Children’s Law Reform Act* and the federal *Divorce Act*, which require the making of individualized decisions without presumptions about parenting time or decision-making.

A number of members of the AFCC-O left that session motivated to address the needs identified. The impetus for developing materials was increased in May 2018, when the federal government introduced Bill C-78,⁵ amendments to the parenting provisions of the *Divorce Act* that replaced the archaic concepts of “custody” and “access” with the more flexible and child-focussed concepts of “parenting time” and “parental decision-making responsibility,” and that make specific reference to the “parenting plans.” It is expected that very similar amendments to Ontario’s *Children’s Law Reform Act* will be enacted in the Fall of 2020 and come into force at the same time as the *Divorce Amendments* on March 1, 2021.

In December 2018, the Board of the AFCC-Ontario Chapter appointed a ten-member Task Force, chaired by Queen’s University Law Professor Nicholas Bala, to prepare parenting plan materials.⁶ The Task Force had six lawyers and four mental health professionals, and was broadly representative of geographical and racial diversity of family justice professionals in the province.⁷ The Task Force met about once a month by teleconference, with Prof. Bala doing much of the initial drafting, and extensive input and discussion from members of Committee. The Committee drew on materials prepared in other jurisdictions,⁸ as well materials prepared by

³ <https://www.azcourts.gov/portals/31/parentingTime/PPWguidelines.pdf>

⁴ The words of the Arizona statute establish a rebuttable presumption that courts will “maximize” time with each parent, which has been interpreted as rebuttable presumption of equal parenting time. W.V. Fabricius, M. Aaron, F.R. Akins, J.J. Assini & T. McElroy, What happens when there is presumptive 50/50 parenting time? An evaluation of Arizona’s new child custody statute (2018), 59 *Journal of Divorce and Remarriage* 414 - 428.

⁵ *Divorce Act Amendments*, S.C. 2019, c. 16, coming in force March 1, 2021 (Canada, Bill C-78, 42 Parliament, 1st Session). When Parliament amended the *Divorce Act*, it specifically avoided the phrase “maximum parenting time”. See discussion of Bill C-78 and rejection of the concept of “maximum parenting time” and adoption of the term “parenting time consistent with child’s best interests.” N. Bala, Bill C-78: The 2020 Reforms to the Parenting Provisions of Canada’s Divorce Act (2020), 39 *Canadian Family Law Quarterly* 45-74.

⁶ Nicholas Bala, Law professor, Kingston (Chair); Rachel Birnbaum, Social Work professor, London; Brian Burke, family lawyer, Toronto; Crystal George, Co-ordinator of Social Services, Aamjiwnaang First Nation, Sarnia; Kim Harris, psychologist, London; Andrea Himel, family lawyer, adjudicator & mediator, Toronto (now a Justice of the Ontario Superior Court); Carolyn Leach, Office of the Children’s Lawyer, Toronto; Rana Pishva, psychologist, Ottawa; Michael Saini, Social Work professor, University of Toronto; and Jennifer Wilson, family lawyer, Toronto.

⁷ A continuing issue that is slowly being addressed is that the family justice profession does not reflect the present racial diversity of the Province.

⁸ American Psychologist, Dr. Robin Deutsch, had an important role in preparing two sets of the American materials that the Task Force relied on: *Planning for Shared Parenting: A Guide for Parents Living Apart*, sponsored by the Massachusetts Chapter of AFCC; and American Academy of Matrimonial Lawyers, *Child Centred Residential Guidelines* (2015).

Canada's Department of Justice.⁹ In the latter stages of the project, other professionals, including members of the judiciary, reviewed and commented on the materials.¹⁰ In the Fall of 2019, the draft materials were distributed to all members of the AFCC-O, and presented at the Chapter's annual conference in October 2019; comments received from the membership resulted in further revisions. The project was completed in January 2020, and the materials have been posted on the Chapter's website, and are available in pdf and Word, with an express statement that the materials can be freely used or adapted, and a statement that they are not intended to provide legal advice and the AFCC-O and the drafters have no liability for their use.

At an early stage in the drafting process a decision was made to have both a *Parenting Plan Guide* and a *Parenting Plan Template*. The *Guide* discusses post-separation parenting and developmental considerations in making plans for children of different ages, as well considering some of the issues that parents most commonly have to address in the context of parental separation. The *Template* briefly discusses some of the issues that are most commonly addressed in making Parenting Plans and offers possible wording, often with possible alternatives. The *Template* emphasizes the importance for parents making, and revising, their own plans, with appropriate professional assistance, and not simply using the text provided, and is provided in Word to facilitate adaption of the clauses provided.

The materials focus on issues of parenting, and do not address other related issues, such as child support, other than to observe that there is a relationship between these issues, and to refer readers to other materials that address these issues, such as those prepared by [Community Legal Education Ontario \(CLEO\)](#) and the [federal government on child support guidelines](#), and to remind self-represented litigants of the value of legal advice, in particular if parenting arrangements are made or changed to result in a shared parenting situation.

The discussion in this paper focusses on *the AFCC-O Guide* and *Template*. These materials are intended to be resources for family justice professionals and their clients when making parenting plans. Individual professionals may decide that they prefer other materials,¹¹ or that they will supplement the AFCC-O materials with other print, video, audio or web-based materials. What

⁹ Justice Canada, *Making Plans: A Guide to Parenting Arrangements After Separation or Divorce - How to Put Your Children First*, (2013); Justice Canada, *Parenting Plan Checklist* (2015); and *Parenting Plan Tool* (2019); <https://www.justice.gc.ca/eng/fl-df/parent/plan.html>. While these materials provide some very sound advice for separating parents, understandably for materials produced by the government, they tend to be very vague about more contentious issues. The *Parenting Plan Tool* is not "user friendly" as a web-based product. These materials are available in English and French, and it is expected that they will be revised as we move towards the coming into force of Bill C-78.

¹⁰ In Arizona and Minnesota, members of the judiciary and the courts have been directly involved preparing such materials. There is obviously value in having judges involved in such a project and giving it some "official" imprimatur, but this would not be consistent with Canadian views about the role of its appointed judiciary, in the absence of express direction from the government for such an undertaking.

¹¹ The Justice Canada material, cited at footnote 9, is useful. There are also many websites with good information for separated parents: see e.g. <https://www.afccnet.org/Resource-Center/Resources-for-Families>; and <https://www.helpguide.org/articles/parenting-family/co-parenting-tips-for-divorced-parents.htm>; There are also many self-help books, including Justice Harvey Brownstone, *Tug of War* (2009); and Moran, McCall & Sullivan, *Overcoming the Alienation Crisis: 33 Coparenting Solutions* (2020).

is critical is that professionals are provided their clients with some type of materials that will help orient them to the needs of children in the context of separation, and the issues that will arise as they make parenting plans. Having such materials will make the work of the professional more efficient and useful, and help parents and their children, both when the plan is initially made and as their children grow older and it may be necessary to revise the plan.

The materials are written to be comprehensible and useful to readers without legal or mental health education. The AFCC-O is actively looking at options to translate the materials into French.

III. Making Parenting Plans and Using the AFCC-O Materials

Parenting Plans

Some family justice professionals in Ontario already have significant experience with “parenting plans” as a way of helping parents to focus on the needs of their children and make plans for their care, and some professionals have their own templates or make use of materials available on the internet. The coming into force of the amendments to Canada’s *Divorce Act* in March of 2021,¹² is serving as an impetus for encouraging and formalizing their use, with the new law including a definition:

16.6 (2) ***parenting plan*** means a document or part of a document that contains the elements relating to parenting time, decision-making responsibility or contact to which the parties agree.

There is value in the legislation recognizing the potential for having a “parenting plan” added to the possibility of having a court order, until now an order based on the traditional “custody” and “access,” but under the new law sharing or allocating “parenting time” and “parental decision-making”. The concept of a parenting plan suggests more a focus on parental roles and responsibilities, rather than on parental rights. The idea of having a plan rather than an order also suggests that it is an arrangement that parents themselves will make, often with professional assistance, rather having a legal regime imposed by a judge. This is consistent with the emphasis in the Bill C-78 *Divorce Act* amendments on family dispute resolution outside of the court process. Further, the idea of a having a plan for children implies that it is an arrangement that may be reviewed and modified as the parents and children try out the plan and see how it works, and as their circumstances change.

The new law also provides that parents who have made a parenting plan “may” submit it to the court when obtaining a divorce; if they do, the court “shall” include their parenting plan (or some

¹² Bill C-78, enacted as SC 2019, c. 16. It is expected that very similar amendments will soon be introduced to Ontario’s *Children’s Law Reform Act*, which is generally applicable to parents who are not obtaining a divorce because they never married.

portion of it) in the parenting order, unless the court determines it is not in the child's best interests, in which case the court may make amendments before including it in a court order.¹³

Using the AFCC-Ontario Materials

The *Guide* provides suggestions intended to help improve communication and co-operation between parents, and offers guidance for the making of plans to co-parenting a child after separation. These materials combine knowledge based on child development research on the impact of parental separation and divorce on children with practical insights from professionals about effective post-separation parenting. A central theme of the *Guide*, and the *Divorce Act* amendments, is that in most cases it is in the best interests of children for parents to cooperate and minimize conflict between them, and for their children to have a significant relationship with both parents. The materials advise on post-separation co-parenting; point out the harm to children from conflict; emphasize the importance of communication, co-operation and mutual support between the parents; and help prepare parents for their long term, evolving co-parent relationship. The materials also recognize that there are cases involving domestic violence and concerns about the mental health or substance abuse of a parent where the involvement and protections afforded by a court process and judicial order are needed to promote the safety and well-being of children.

The *Guide* provides a useful summary of basic social science knowledge about the effects of separation on children, child development and parenting. Professionals who are involved in a family dispute case, even on an occasional basis, should be fully familiar with the issues and approaches in these materials. Professionals, whether lawyers, judges, mediators or otherwise involved in the family dispute resolution process, should be encouraging all parents to carefully read these (or similar) materials prior to starting to make plans, in some cases even before separation.

The *Guide* and *Template* both discuss issues related to parenting schedules, and set out a range of possible schedules, emphasizing the need for individualized plans that will need to be adjusted as the needs of children and the circumstances of parents change. As is common with similar materials for parents from other jurisdictions and Canada's Department of Justice, the materials do not give citations to research studies for various statements about children's needs and parental behaviour. Nevertheless, the materials reflect the views of an interdisciplinary group of leading family justice researchers and professionals, and were prepared after receiving comments from a large number of professionals and reflect a consensus about current knowledge. While the materials are expected to primarily be used for informational purposes, there may be scope for citing some of the general statements about child development in contested proceedings as a basis for judicial notice.¹⁴ For example, there are statements about the value of overnight

¹³ S. 16.1(1)

¹⁴ This type of "common sense" professional knowledge can, in appropriate cases, be cited by the courts; see *R. v. Hernandez-Lopez*, 2020 BCCA 12; see also *AM v CH*, 2019 ONCA 764 and *Wandler v. Hines*, 2019 ABPC 252, on the scope of judicial decision-making about children's best interests in family cases without expert evidence.

parental care by both parents, even for infants.¹⁵ There are, however, also statements about the vulnerability of young children, and need to have graduated increases in care when one parent, usually the father, has not had much involvement with the child and the value of “step-up care” arrangements.

In *Saunders v. Ormsbee-Posthumus*, one of the parties in a dispute over parenting cited the *Guide*. In making an order that increased the father’s time with the child, aged 4 ½ years, from 4 to 5 days per two weeks and established a “step-up” plan to reach equal time and joint decision-making, Justice Trousdale of the Ontario Superior Court observed:¹⁶

[73] I note that the *AFCC-O Parenting Guide* is not binding on the court. However, it does provide a great deal of very helpful information to the court, which would also be of assistance to the parties in this case now and in the future.

The *Guide* is intended to be used in conjunction with the *AFCC-Ontario Parenting Plan Template*, which offers suggestions for specific clauses that can be used or adapted for a parenting plan, and explains the practical implications of some of the choices. The *Template* provides examples of possible clauses, and in some cases suggests alternative possible clauses. These clauses are intended to be suggestive, and are not in any way definitive.

Canada has a diverse population in such dimensions as cultural and religious heritage, language, gender identity and sexual orientation of parents. There are some efforts to recognize this diversity in the materials. However, professionals may want to have their own, modified templates to provide to parents, especially if they have a significant number of clients with needs and concerns not addressed in these materials, or may wish to translate the materials into a language other than English. The *Guide* and *Template* can each be downloaded as pdf or Word documents. This allows parents or professionals to easily adopt or adapt the terms or clauses as they consider appropriate and integrate relevant terms into separation agreements, court orders or parenting plans.

Tensions in Making a Parenting Plan

There are inevitably tensions in making a parenting plan. Greater specificity and detail may help reduce immediate conflict, but also create a greater need for review. Professionals hope that parents will co-operate with the implementation of the plan that they agree to, but they may also be concerned about whether and how terms may be enforced in court.

The *Guide* and *Template* suggest that in most cases siblings should share the same parenting time schedule, both for logistical reasons and to allow them to provide emotional and practical

¹⁵The issue of the overnight visits with fathers of young children has already been the subject of contrary approaches by Ontario judges, effectively based on judicial notice. In *Perchaluk v. Perchaluk*, 2012 ONCJ 525 (per Zisman J.) which held that such visits should not occur without expert evidence that they in the child’s best interests. By way of contrast, in *Burley v Bradley*, 2019 ONCJ 624 (per March J) held that such visits should occur in the absence of evidence of harm.

¹⁶ 2020 ONSC 2300, at para. 73

support for one another. However, there are situations, for example involving children with special needs or talents, or a large difference in age, when siblings will have different schedules, almost invariably with some opportunity for them to spend time together.

The Parenting Plan as a Document

As discussed in the *Guide* and *Template*,¹⁷ a parenting plan may be a distinct document, or can be incorporated into a larger Separation Agreement that deals with other issues, in particular property and support issues.

There is value in having a Parenting Plan as a separate document, as it emphasizes to parents that issues related to the care of their children are separate from their other economic and legal affairs, and this will also facilitate the almost inevitable review of provisions of the Plan as children grow older and circumstances change. Ultimately, the nature of the matters to be resolved by the parents, the nature of the parents' relationship, the stage of the separation process and the role of family justice professionals involved (e.g. judge, lawyers or mediator) will all influence whether the Plan is in a separate document.

In cases where court enforcement is not likely to be a concern, lawyers should consider having the Parenting Plan as an Appendix or Schedule to a Separation Agreement, with a stipulation that parents may review and amend the Plan without affecting the validity of the Separation Agreement. This may encourage timely, child-focussed reviews.

Incorporating a Parenting Plan into a Court Order?

The decision about whether to ask a court to incorporate a parenting plan, or part of it, into a court order will typically be made after the plan is complete, sometimes quite a long time after it has been negotiated and signed. It is, however, important to consider this question as negotiations and drafting proceed, as this may affect the contents of the plan, and in particular the degree of detail.

The advantage of incorporating a parenting plan into a court order is that it will likely encourage compliance, as, if necessary, court processes can be used to enforce the plan, or at least major provisions. One of the challenges of incorporation is that a judge may be reluctant to do this, even on consent, if the plan has provisions that are vague or aspirational. Further, review or variation of the plan will be more expensive and complex if it is expected that the court order will be amended. A plan that is detailed, or has provisions that mentions times, places or has other specific provisions, is almost certain to need to be reviewed as the circumstances of parents and children change.

Starting the Discussions – The Parenting Time Schedule

The parenting time schedule is often regarded as the foundation of a parenting plan, as so many other issues are related to the schedule. However, issues related to the schedule may also be

¹⁷ *Guide* p.7 and *Template*, p. 3 & 37.

among the most contentious between the parents, so it may be necessary for parents and their professional advisors to work towards the negotiation of the schedule over time. If the schedule is contentious, it may be helpful to start discussions about issues that are less contentious; indeed, an interim resolution of such issues as schooling or extracurricular activities may help parents to develop a child-focused, logistically realistic schedule.

One of the features of discussions about developing a “plan” rather than a seeking a court “order,” is that using the term plan suggests that the parents can have a temporary plan, or try one arrangement and then assess how it is working for themselves and their children. There may also be a “step up” plan, with the role of a parent who may been less involved in child care scheduled to increase over time, as that parent gains experience having sole responsibility for the children; this may be especially appropriate children are very young and need relatively intensive care.

While some have advocated a presumption of equal parenting time, the law in Ontario (both federal and provincial) does *not* have any presumptions about parenting time schedules. Indeed, consistent with social science research, the law requires that parenting schedules are based on an assessment of the best interests of the individual child. The amendments to the *Divorce Act* provide that the court shall give “primary consideration to the child’s physical, emotional and psychological safety, security and well-being.”¹⁸ Factors that should be taken into account when making an agreement or seeking an order include:

- the children’s needs, given their ages and stages of development, including the children’s need for stability;
- the nature and strength of the children’s relationships with parents, family and others;
- each parent’s willingness to support the children’s relationship with the other parent;
- the children’s views and preferences, giving due weight to their age and maturity;
- the children’s upbringing and heritage, including indigenous upbringing and heritage; and
- any family violence.

Developmentally Appropriate Parenting Schedules

The *Guide* discusses developmental stages, needs and capacities of children of different ages, and relates developmental issues to appropriate parenting time schedules for children of different ages.¹⁹ The special needs and vulnerabilities of preschool children, and especially children in the first three years of life, receive particular attention. Depending on the parenting history and the children’s needs, overnight parent time with each parent may be well be appropriate for pre-school children, but arrangements involving relatively lengthy absences from either parent, such

¹⁸ S. 16(2)

¹⁹ *Guide*, 11-24.

a week about shared parenting arrangement, are generally not appropriate for very young children.²⁰

The *Guide* and *Template* suggest that discussions of a parenting time schedule can often be most usefully based on a “regular” schedule in a 4-week cycle, with some provisions for a holiday schedule.²¹ Many parents have a 2-week schedule (which lawyers and judges often refer to in a short hand, but incomplete way, such as 2-2-3. Even with a 2-week cycle, it may be easier for parents to understand or visualize if set out based on a 4-week calendar. The *Guide* and *Template* have examples with a number of different schedules, with a discussion of developmental factors to consider at different ages. Of course, in some cases, the employment schedules of parents or other factors may make it more appropriate to have a different cycle, perhaps based on a 3-week rotation.

Details of the Parenting Time

For many parents, their plan should include both a regular schedule, and for variation for holidays, school breaks, and summer, and perhaps for special days like a child’s birthday. Many parents, especially in the period after separation, also benefit from a clear plan that sets out details about the location and time for pick-ups and drop-offs, recognizing that over time these details will likely have to change.

Make-up Time and The Right of First Refusal

One or both parents may wish to address the right of first refusal for instances when the parent with assigned care is unable to personally supervise the children, and have a provision for “make-up time”. Many professionals suggest avoiding having this type of clause as it requires parents to report their activities to one another, unless one parent only has the child for a relatively limited time, or there are likely to be significant, regular absences. If conflict is high,

²⁰ In *Wyatt v. Reindl*, 2020 SKCA 36 (C.A.) the Saskatchewan Court of Appeal upheld a trial decision for a 3 year old girl which provided for 9 days with her father and 11 days with her mother, to fit with the father’s work schedule in an oil field. In commenting on this case, Aaron Franks and Michael Zalev (*Family Law Newsletter*, June 22, 2020) wrote (emphasis added):

Conventional wisdom tells us that children – especially young children – should generally not go for extended periods of time without seeing a parent. For example, in its recently released *Parenting Plan Guide*, the Ontario Chapter of the Association of Family and Conciliation Courts (“AFCC-O”) recommended that even in cases where the parents are involved in a shared parenting arrangement, they should still ensure that “separations from each parent [for children under 3] are not too long (no more than two to three days or two nights for example)”, and that while “it may be appropriate to have an arrangement with roughly equal care” for 3 to 5 year olds, they should still not be spending “more than 3 nights away from either parent.” The AFCC-O’s *Parenting Plan Guide* is available at: <https://afccontario.ca/parenting-plan-guideand-template/>. ***It is an excellent resource.*** Accordingly, it is exceedingly rare for a court to order a schedule for a very young child whereby the child goes for a week or more without seeing one of his/her parents.

They went on to explain the decision, and its rare circumstances.

²¹ It is suggested that professionals avoid terms like the “normal” schedule, as this implies that there it meets some external standards of “normalcy”.

this clause can exacerbate tensions, and if conflict is low, many parents can resolve these situations informally.

When the period of absence is short (for example 3 to 6 hours), this type of clause can be constricting as it prevents a parent from hiring a babysitter or asking family members for help until after the non-resident parent has been offered the opportunity to care for the children. Increasingly, these clauses tend to come into effect when the parent with care is not available for one or more overnights for example for business or a family emergency. Some parents prefer not to mandate a first right of refusal, choosing instead to have the flexibility for the parent with care to make the arrangements that they consider appropriate.

Decision-Making Responsibilities

It is important for professionals (and their clients) to get a realistic sense of the parents' level of conflict and ability to co-operate. Will the parents be able to communicate and compromise about significant decisions, such as education; culture, language, religion and spirituality; health; and significant extra-curricular activities? The involvement of both parents in major decisions is generally desirable, so absent concerns about coercion or power imbalances, and so long as the parents can co-operate, a plan will often provide for shared decision-making for major issues, though with provision for some method of assisted dispute resolution, such as mediation, or a clause assigning final decision-making to one parent if they cannot agree.

For parents where there are concerns about the ability to co-operate, it will normally be preferable to assign final responsibility for certain decisions (or all major decisions) to one parent, with an obligation to consult the other parent before a decision is made. It may be necessary to specify what type of consultation is required. If there are concerns about the ability to co-operate and the parents have sufficient resources, appointing a parenting co-ordinator to oversee the implementation of the parenting plan may help the parents to move forward.

If there is significant conflict, it may be preferable to give one parent responsibility for some (or all) major decisions with an obligation to inform the other of decisions that have been made.

If primary decision-making responsibility is divided, it may be necessary to specify how "cross-over issues" are to be identified and addressed – Is psychological testing a medical or educational issue? Is the decision to attend a Catholic school an education or religious decision? Future conflict may be avoided by naming the children's school, doctors and/or religion in the parenting plan.

Clarity on Day-to-Day Decisions

Most parenting plans and court orders address responsibility for making "major" decisions, but leave "day-to-day decisions" to the parent with care of a child at a particular time.²² These

²² The new *Divorce Act*, s. 16.2(2) specifies:

“day-to-day decisions” will be generally be issues that one parent can implement without direct involvement of the other parent. Most professionals would agree that these matters would include such issues as evening routines, meals and visits with friends, in contrast to decisions that may arise on a regular basis but that affect both parents, such as whether a child takes prescribed medication for ADHD on the weekends or whether a parent may cut the child’s hair. Depending on the level of conflict and issues in dispute, some parents may need more specificity and examples of day-today decisions, while others may not.

Drafting - Define the Parties

With the coming into force of the new *Divorce Act* provisions, those drafting parenting plans should avoid using the terms “custodial parent” or “access parent,” which in any event have long had unfortunate connotations. However, depending on the provisions, it may be useful to use the terms “resident parent” and “non-resident parent” to describe *who has care of the children at any given time*, and to indicate the rights and responsibilities of each when in that role.

The parents will often find it helpful if the plan refers to them by their first names, or if appropriate, by the terms mother and father. Avoid using the terms Applicant and Respondent as this can be confusing to the parties and to others interpreting the order or agreement.

Drafting – Principles

The *Guide* discusses the value for children in parents avoiding conflict and encouraging positive co-operation, and in having each of the parents recognize the important role of the other parent in their children’s lives. The *Template* offers suggestions for a number of statements of principle that reflect these ideas which parents may incorporate or modify for their parenting plan.²³ All of these statements have similar themes of encouraging child-focused, co-operative co-parenting. While there may be questions about the legal significance or enforceability of some of these statements, especially for cases where there is high conflict, a discussion of these principles by parents and the inclusion of some of them can serve a useful educational purpose for many parents. Most parents will try to comply with the spirit of clauses that they have discussed and voluntarily accepted.

There are some judges who will incorporate such “aspirational clauses” into a court order, at least on a consent basis, premised on the view that the “best interests” of the child will be promoted by this. Some judges may require such clauses to be included as recitals, beginning

Day-to-day decisions

(2) Unless the court orders otherwise, a person to whom parenting time is allocated under para. 16.1(4)(a) has exclusive authority to make, during that time, day-to-day decisions affecting the child.

²³ *Template*, p.4-6.

with “Whereas the parties agree.” Other judges, however, may be concerned about issues of enforceability and may refuse to incorporate such clauses, even on a consent basis.

Review Clauses

Children and parents change, and parenting plans or orders will need to be adjusted unless they are very general, particularly if, as children grow older, their needs or preferences no longer align with the plan that was previously made.

From time to time parents should meet to discuss whether their current arrangements should be adjusted. It is generally preferable for parents to undertake such a review informally, and without unnecessary involvement of family justice professionals. However, if conflict is high or there are on-going concerns of family violence or abuse, or mental health issues, professional involvement or a court application may be necessary.

While the variation of a court order can be a relatively complex process, a parenting plan that is not incorporated into a court order (or the relevant portions are not fully incorporated), can be amended relatively easily. A parenting plan should provide for periodic review, that can hopefully be mutually agreed without professional involvement. If parents are unable to agree when undertaking a review, the Plan should encourage or require parents to engage in a non-court family dispute resolution process, like mediation, before bringing a court application, or perhaps requiring submission of a dispute over the parenting plan to arbitration.

It is not uncommon for parents to informally review and revise terms of their parenting plan order without returning to court. Although a court will not enforce a revision that was not incorporated in a court order, after an informal revision, it is also very unlikely that the original term will be enforced. Further, the court is likely to take account of the agreed upon revision in any future variation application. While a lawyer should be cautious when providing advice about informal revisions, these changes may be in the interests of the children, the parents and the justice system as they offer an affordable, quicker and less conflictual way to implement changes.

Negotiation and Drafting: Avoid Contentious Hypotheticals

The *Guide* and *Template* address many of the clauses that are commonly included in parenting plans, but no plan is likely to address all of them. For example, some of the clauses address issues that only arise in later childhood or adolescence, such as children using social media and dating. While it is valuable for parents to be aware that these issues will need to be addressed at some point, whether in a written parenting plan or by some form of *de facto* resolution, discussion about contentious issues that will arise in the future but are not present concerns makes the process of making a parenting plan more challenging. Hopefully, experience in co-operating under the plan will help parents to address future issues in a constructive, child-focussed way.

....*Except Perhaps Relocation*

While it is generally preferable to try to avoid trying to resolve issues that seem hypothetical, one or both parents may wish to address in a parenting plan may want to address issues related to possible future relocation, especially since the provisions of the *Divorce Act Amendments* that deal with relocation are quite vague. Some of the issues that might be addressed include

- what constitutes a “relocation” in terms of time or distance;
- how is the burden of proof on a parent intending to relocate to be interpreted in this case: that is do the parents consider that they have the children a “substantially equal time” or that one parent has the children the “vast majority of the time”, or neither.

Involving Children

The *Guide* and *Template* address in general terms the sensitive issues about how to involve children in post-separation decision-making and in the review of parenting plans in a number of places. On the one hand, the law is clear that children’s perspectives and preferences are important in assessing their best interests, both when an initial plan is made and as variation is being considered. On the other hand, there is the potential for children to be drawn into parental disputes or try to manipulate their parents, especially if there is high conflict between the parents.

The *Guide* makes the important point that “it is preferable for parents to decide together how to involve their children [in making a parenting plan] and develop a joint strategy.”²⁴ However, this is not always possible. This is the type of challenging issue that requires professional assistance if parents are unable to agree on a joint child-focussed strategy.

Child Support and Economic Issues

The materials emphasize that the parenting time schedule should be governed solely by an assessment of the child’s best interests, but it is necessary for parents to be informed about the possible child support implications of their plan. Family justice professionals will be aware that there are cases where a concern about the “40% threshold” for the invocation of the shared parenting provision in s. 9 of the *Child Support Guidelines* is an “elephant in the room.”

The *Guide* and *Template* make some reference to economic issues that arise in the context of separation or divorce, in particular child support. A parenting plan may well affect child support issues, especially if the parenting time schedule results in a “shared parenting time” (or “shared custody” situation under the *Child Support Guidelines* s.9, 40%-60% of time with each parent). The materials flag this issue for parents, with links to other sites that address them, and advises parents to get appropriate legal advice if this may be an issue.

²⁴ *Guide*, p.6

As a matter of practice, parents and their advisers may decide that the document called a “parenting plan” will also deal with child support; that may be most appropriate if there are no other economic issues that need to be addressed. However, if the parents are also making an agreement that deals with property, debts or other support issues in a Separation Agreement, it will usually be appropriate to also deal with child support in that document.

IV. The Value of the *Guide* and *Template* to the AFCC-Ontario Chapter

Since the release of the *Guide* and *Template* in January 2020, there have been a number of presentations by members of the Task Force to judges, lawyers, mediators and social workers across the province, initially in person and since the Covid 19 pandemic by webinar. In at least one reported Ontario decision, the judge has made specific direction that the parents should receive a copy of the materials, in the hope that this would facilitate a possible settlement,²⁵ and the authors of this paper are aware of a number of judges who have referred to these materials in the course of conference discussions with parents about the possibilities of settlement. This project has been an important undertaking for the Ontario Chapter. The materials themselves make a significant contribution to family justice in the province, and we have received significant positive feedback about their value, including from the judiciary.

It is expected that there will be some relatively minor revisions undertaken in 2021, about the time of the expected amendments to the *Children’s Law Reform Act* coming into force. Users of the materials, especially family justice professionals, are invited to provide comments and suggestions for revision, and the materials include an invitation to send comments to info@afccontario.ca

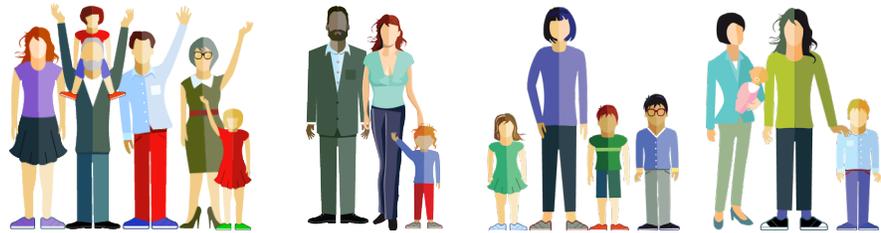
²⁵ In *Edwards v. Robinson*, 2020 ONSC 2056, at para. 6 a request for an urgent motion about parenting during the Covid 19 pandemic period of very limited court, Justice Jarvis ordered that copies took judicial notice of the *Guide* and *Template* where to be provided to the parties, along with other material, to help them prepare for the motion, or hopefully make their own, child-focused interim parenting arrangement.



<https://afccontario.ca/parenting-plan-guide-and-template/>

Can be downloaded without charge as Word or pdf

Parenting Plan Guide



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Preparation of the *Parenting Plan Guide*

This *Parenting Plan Guide* has been prepared by the Ontario Chapter of the Association of Family and Conciliation Courts (AFCC-Ontario) to assist parents and their professional advisors in developing child-focused, realistic parenting plans. The *Guide* provides suggestions intended to help improve communication between parents, and offers guidance for the making of plans to share parenting of a child between parents who have separated or who have never lived together. The central theme of this *Guide* is that in most cases it is in the best interests of children for parents to cooperate and minimize conflict between them, and for their children to have a significant relationship with both parents. This *Guide* should support parents in fulfilling these goals.

This *Guide* combines knowledge gained from developmental research on the impact of parental separation and divorce on children, with practical insights about the needs of children with parents living apart. This *Guide* is intended to be used in conjunction with the *AFCC-Ontario Parenting Plan Template*, which offers suggestions for specific clauses that can be used or adapted for a parenting plan.

The project to develop these materials was supported by the Board and membership of the AFCC-Ontario. While the members of the Task Force listed below took the lead in preparing this *Guide*, the *Guide* is the product of a collaborative effort by many members of the AFCC-Ontario and other professionals, without whose contributions this *Guide* would not have been possible. We especially acknowledge the work of former AFCC President and American child psychologist Dr. Robin Deutsch, who had a key role in drafting guidelines prepared by Massachusetts Chapter of the AFCC, and the American Academy of Matrimonial Lawyers. Significant reliance was also placed on material from Justice Canada.

Some of the examples discussed in these materials are based on children having two different gender parents, a Mother and a Father. However, there are of course many families where this is not the case, and the ideas and approaches in this document should be useful for all parents experiencing separation or divorce, or for a parent co-parenting with a person who was not their partner.

Task Force Members

Nicholas Bala, Law professor, Kingston (Chair)
Rachel Birnbaum, Social Work professor, London
Brian Burke, family lawyer, Toronto
Crystal George, Co-ordinator of Social Services, Aamjiwnaang First Nation, Sarnia
Kim Harris, psychologist, London
Andrea Himel, family lawyer, adjudicator & mediator, Toronto
Carolyn Leach, Children's Lawyer, Toronto
Rana Pishva, psychologist, Ottawa
Michael Saini, Social Work professor, University of Toronto
Jennifer Wilson, family lawyer, Toronto

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AFCC-ONTARIO PARENTING PLAN GUIDE

What is a Parenting Plan?

A parenting plan is a written document that outlines an agreement by both parents about how they will raise their children after separation or divorce. A parenting plan is intended to establish principles and rules to guide how parents will share responsibilities for and time with their children, including addressing such matters as:

- when the child will spend time with each parent;
- how decisions about the child are made;
- how information is shared and communicated between parents;
- how other parenting issues may be addressed; and
- how future disagreements about the children are to be resolved.

A parenting plan should have enough detail to be useful, yet have enough flexibility to be realistic, and to meet the changing needs of the children involved. A parenting plan should reflect the interests and the needs of the individual children concerned. It is almost inevitable that a parenting plan will have to be revised as children grow older, and their needs and the circumstances of their parents change. The parenting plan is best viewed as a working document that will need to be revisited and likely revised over time.

The process of discussing issues, identifying areas of parental consensus and disagreement, reaching an agreement (often based on compromises), and then setting out the plan in writing is important. Having a parenting plan can help to minimize future conflict between parents by setting out clear guidelines and expectations for behaviour. Further, there is value in the process of making a parenting plan, as it gives parents an experience in collaborative problem solving.



Minimizing conflict between separated parents is important. Children do significantly better if their parents co-operate and communicate with each other and conflict is low. If communication or co-operation with the other parent is not easy, a good parenting plan can provide the details of the parenting arrangements so that parents are not required to negotiate every decision that needs to be made. A parenting plan can minimize conflict by clearly setting out guidelines and expectations, and can help reduce friction between parents, so that each parent can support their child's relationship with the other parent.

A parenting plan that the parents have voluntarily made may be incorporated into a Court Order or Separation Agreement. This gives the parenting plan legal significance and makes it enforceable by a court.

Limits to Co-Parenting: Violence and Serious Wellness Issues

While co-operation between parents and voluntarily made agreements are usually best for children, in cases where there are on-going family violence concerns, or one parent has serious mental health or substance abuse issues, voluntary arrangements may not be appropriate. In such cases, the protection afforded by the legal process and a Court Order may be essential to address the risk of harm to children. Further, it will only be possible to have a jointly-made parenting plan if both parents are willing and able to communicate, co-operate and make child-focused plans.

The Purpose of This Guide

The Guide is intended to help parents and professionals deal with the main issues that commonly arise in making a parenting plan, but the discussion here is not exhaustive. Some issues discussed in the *Guide* and *Template* will not apply to every situation, and there may be others not discussed that parents will want to address in their parenting plan. This *Guide* does not address such legal issues as child or spousal support or property division, though these are often interrelated with parenting issues, and will need to be addressed in a Separation Agreement or Court Order.

The *Guide* offers suggestions for improving parental communication and co-operation, and more specifically for jointly making a parenting plan.

Talking to Children About the Parenting Plan

One issue for parents to address as they are making or reviewing a parenting plan is how to involve their children in the making of a plan. It is important not to draw children into parental disputes or ask children to “choose sides.” However, parents should be aware of their children’s perspectives when deciding about their care, and particularly as children become older, their views should be given more weight.

While it is preferable for parents to decide together how to involve their children and develop a joint strategy, this is not always possible - especially at the early stages of separation.

The Public Health Agency of Canada has some very useful information for parents about helping children involved in separation and divorce, and to help parents communicate with their children about the changes in their family life. This information is premised on the recognition that considerations and communications with children should depend on their ages and stages of development.

See the Justice Canada website: [Because Life Goes On...Helping Children and Youth Live With Separation and Divorces.](#)

Making a Legally Binding Parenting Plan

Parents may want to have a parenting plan that is legally binding. If a parenting plan is included in a Court Order under the federal *Divorce Act* or the Ontario *Children's Law Reform Act*, it will be legally binding, and a court will enforce it. Otherwise, in order to be legally binding, the plan must be in writing, signed by both parents, and their signatures need to be witnessed.

A parenting plan may have practical and legal significance even without being incorporated in a Court Order by being part of a Separation Agreement, but it is preferable to consult a lawyer and to get legal advice to discuss issues related to enforceability. A family law lawyer can also discuss the implications of a parenting plan for child support and other legal issues. For example, one factor to consider is that outside agencies or professionals, such as schools, health care professionals, and government departments may require formal written agreements or Court Orders if they are to provide reports or comply with the plan in other ways. These organizations also need documents that are clear and easy to understand.

Professional Assistance

Parents can make a parenting plan together without seeking professional help. The *AFCC-Ontario Parenting Plan Template* and other resources are available to assist parents. However, parents will often benefit from gaining advice from mediators, counsellors, therapists or lawyers to help make a parenting plan. It is an especially good idea to seek independent legal advice before finalizing a parenting plan, in particular to understand its implications for financial issues like child support.

There are family lawyers who are willing to provide advice or consultation to parents on a "limited scope" basis, charging a fee, usually an hourly rate, to review a parenting plan or other agreement, without providing full representation. See [website of the Ontario Family Law Limited Scope Legal Services Project](#) for more information about this type of legal service, including names and contacts for lawyers doing this work.

In Ontario, there are [mediation services affiliated with the Family Courts](#) throughout the province that provide services without charge to low-income persons and on a geared to income basis for others. These mediation services can provide valuable assistance in helping parents to reach agreements, whether or not they have lawyers.

Having a Temporary Plan

Parents should begin consulting and planning for their children as they begin the process of separation. However, separation may be a particularly stressful and uncertain time for parents and children, and it may take a while for the situation to be stable enough to make a long-term plan.

It will often be helpful for parents and their children to “try out” an arrangement or schedule to see how it meets their needs, and adjust their plan as appropriate. Unless the children are very young, it will be useful to get a sense from them about the “try out” arrangements before making more definite plans.

In some cases, parents may decide to have a temporary parenting plan that deals with the most pressing issues that need to be resolved while deferring the negotiation of a longer-term plan. Even if a plan is intended to be temporary, it will be useful to have it in writing. Such a plan should include a specific statement that it is a temporary plan that will be replaced by a longer-term and often more detailed plan. However, if parents do not review or change their plan as anticipated, a *status quo* parenting arrangement may be established that could be a factor in later court proceedings, long after the temporary plan was expected to be replaced.

Modifying the Parenting Plan

Some aspects of a parenting plan are very likely to change as children grow older and parental circumstances change. If parents cannot agree between themselves how to modify their parenting plan, they may find it helpful to consult a mediator, mental health professional, parenting co-ordinator or lawyer.

As discussed in detail below, parents should consider issues related to possible review and modification when making an initial parenting plan.

Even if a parenting plan has been incorporated in a Court Order or Separation Agreement, in most situations parents may agree to modify or change their parenting plan without returning to court. However, the modified plan may not be legally enforceable without formally altering the Court Order or Separation Agreement. Further, a substantial change in the amount of time that a child spends with a parent may affect child support obligations. It is advisable to consult a lawyer if a substantial change is being considered.

The Importance of a Good Co-Parenting Relationship

Before addressing issues related to the specifics of parenting schedules and plans, parents should consider the psychological context of “parenting apart” and the principles that should guide their decision-making and co-parenting.

Parents going through the process of separation face real challenges as their relationship changes from being intimate adult partners to being separated “co-parents,” who will share parenting responsibilities and care for their children while otherwise pursuing separate lives. Parents sometimes fear that loss of their intimate adult relationship will also mean the loss of their parent-child relationship. They are also concerned about the negative impact that their separation may have on their children’s healthy development.

There is a growing body of research on the effects of separation and divorce on children. Using this research makes it possible to better assess children’s needs and to develop plans that meet those needs and promote children’s healthy development. It is generally accepted that in most cases of parental separation:

- Children of separated parents do best in both the short-term and the long-run when they feel loved and cared for by both parents.
- Children generally do better when both parents have stable and meaningful involvement in their children’s lives.
- The strength of a parent’s relationship to a child is affected more by parental commitment, warmth and the ability to meet the child’s needs than it is by time spent with the child.
- Each parent has different and valuable contributions to make to their children’s development.
- Children should have both structured routine time (such as bathing or doing homework) with each parent, as well as unstructured time (such as playing in the park).
- Parents should help their children maintain positive existing relationships, routines and activities.
- Children find security in personal possessions, like a favorite stuffed animal. Children should be permitted to bring personal possessions back and forth between homes, regardless of which parent purchased them.

While adults may feel anger, distrust, grief or a sense of betrayal at the end of their intimate relationship with the other parent, they need to recognize that their relationship as co-parents should continue as long as both parents are alive, and that a positive relationship as a co-parent is best for their children.



- Parenting plans will need to be adjusted over time as the needs and circumstances of parents and children change.

Children are harmed by exposure to conflict between their parents. This is one of the most consistent findings in the research on post-separation parenting. High conflict between parents increases children's anxiety and negatively impacts healthy child development. Family violence is a particular risk factor, but parents should also avoid arguments in the presence of their children, such as when dropping off or picking up their children. Family justice professionals also generally advise that:

- Parents should not make children feel that they have to "choose" between the parents. Children should not be made to feel guilty about having a good time with the other parent.
- Each parent should strive to have a respectful relationship with the other parent.
- Each parent should support the child's relationship with the other parent.
- A parent should not make derogatory comments about the other parent in the presence of the child or when a child may overhear them. Relatives and friends should also be discouraged from making such comments if the child can hear them.
- Children should not be expected to communicate messages between parents, in particular about financial matters or issues about which parents disagree.
- Parents should exchange the children without arguing and by acknowledging each other in a polite way.
- A parent should allow their children to attend important family celebrations and events with the other parent.
- While parents should acknowledge that there may be differences between their two homes in such matters as daily routines and activities, religious observances and diet, it is preferable to refer to these as "differences," and not as "better" or "worse".
- Young children need consistent sleep and feeding schedules in both homes.
- While parents should try to develop consistent rules about acceptable adolescent behaviour, most older children are adaptable and tolerate differences in rules (such as between home and school.) In some situations, day-to-day parenting issues may need to be addressed in a parenting plan. For example, this may arise in relation to safety issues or children with specific health concerns. However, parents also need to appreciate that their former partner's lifestyle and day-to-day parenting approaches generally cannot be controlled in a parenting plan.
- If one parent has been significantly more involved with the care of the child before separation, that parent may need to help the other parent gain the skills and knowledge to care appropriately for the child and support the development of a positive relationship between the child and the other parent. While the parent

who has had primary care may feel concerned about giving care of “my child” to another person, it is important that the primary caregiver is not a “restrictive gate-keeper”, unless there are legitimate concerns about the other parent’s capacity to care for “their child”.

Transitions, by their nature, can be difficult for a child. Many children struggle when they are required to interrupt an activity or to leave a parent. This difficulty can be further magnified if the child is also exposed to conflict between his or her parents. It is not unusual for a child to appear distressed or to show sadness or anxiety at transition times. It often helps for the parent with care before an exchange to take the child to the other parent, rather than have the other parent pick up the child, as this signals parental support for the transition and lessens the child’s sense of being interrupted and taken away from a parent.

For more discussion about the effects of separation on adults and their children, and suggestions for improving co-operation and communication between parents who are living apart, visit the Justice Canada website: [Making Plans: A Guide to Parenting Arrangements After Separation or Divorce](#).

AGE APPROPRIATE PLANS AND SCHEDULES

Canadian law does *not* start with a presumption that there will be equal parenting time. Rather both research and Canadian law support individualized plans for children based on the needs of each child in the family and the circumstances of the parents. Further, whatever the initial plan, the needs and capacities of children change as they grow older, and plans for their care may need to be modified if they are to remain developmentally appropriate.

The discussion which follows offers suggestions for plans and parenting schedules that may be appropriate for children of different ages, and in particular emphasizes factors that parents should consider for children of different ages. However, each child and parenting situation is unique. Inevitably no plan will be “perfect” for either the parents or their children, and each plan will be based on compromises and trade-offs. Parents -- sometimes after professional consultation -- know their children well and together can often decide on a plan that meets the needs of their children and that they can realistically carry out. However, if parents are unable to agree, a judge may make a plan for parenting after a court hearing.

Parenting Schedules

In most cases, a good starting point for discussions about an initial parenting schedule will be based on the caregiving arrangements before separation. In some families, especially when children are very young, one parent, more often the mother, who may be breastfeeding and have a longer parenting leave, will be the child’s primary

caregiver. In other families, even while parents are living together, both parents may have roughly the same level and time of parenting involvement, either right from birth or as parental roles evolve as children grow older.



The fact that one parent may have provided more care before separation and the child may be more closely attached to that parent may well have initial significance in making a parenting plan. However, it is important to recognize that regardless of prior parenting arrangements, in the absence of concerns about risks to the safety or well-being of a child, after separation both parents are expected to have significant roles in the lives of their children. Canadian law recognizes that a child should have “as much time with each parent as is consistent with the child’s best interests.” Further, each parent is expected to act in the child’s best interests, which normally includes supporting and maintaining “the child’s relationship with the other parent.”

It is also important to appreciate that in many cases the needs of the children and expectations of parents will change as a result of separation. The involvement of some parents in the care of their children may increase after separation. This might, for example, reflect an expectation that if there were no separation, the parent who has had a smaller role in child care would in any event have expected a greater role as the child grow older. Or separation may result in a stay-at-home parent returning to the labour force, thus creating the need for more care by the other parent. Further, if the parents have never lived together, the parent who does not live with the child may need an opportunity to begin a caregiving role without a prior history of care. As discussed below, it may be appropriate to have a parenting plan that is premised on a “step-up” in care over time by a parent who has been less involved before separation, or not involved at all, as that parent’s relationship with the child strengthens over time.

In making and modifying plans, parents must also be realistic about their capacities and commitments, and those of their co-parents. Factors such as work schedules, the relative locations of homes, the resources of the parents and the availability of transportation will all affect parenting plans and schedules.

Parenting plans made for babies and young children will need to evolve as children get older and start to attend school. Parenting plans designed to accommodate a parent’s employment may need to be modified if parents change their employment or work schedule. It is important for parents to communicate effectively, discuss changes that they observe in their children with one another, and be prepared to review the plans previously made.

Each family needs to consider the age, temperament, previous caretaking arrangements, and the child’s relationship with each parent, as well as whether the child has special needs related to a physical condition or a learning disability. Most important

is that parents are able to communicate about their child on a regular basis. Parents must share information so that a child's experience, as he or she transitions between parents, is as smooth as possible.

Siblings

Siblings are usually good emotional supports for one another, and keeping them together in a parenting schedule often provides security. It is generally emotionally preferable and more practical to keep siblings together during parenting time, even if there are differences in age that extend over several years. Parents need to develop a plan that works well for all of their children, even if that plan may not be developmentally optimal for one particular child.

There are, however, circumstances when children should have different parenting schedules. For example, when there is a significant age difference between siblings, parents may decide to include alone time with each child in the parenting time plan in an effort to recognize the developmental differences between siblings. In some cases, one child may have special needs that require a different plan from a sibling.

Infants: Birth to 9 months

Infants change and learn at a rapid rate. Between the ages of two and seven months, infants come to recognize and become psychologically attached to caregivers who provide regular, reliable feeding, holding, soothing and diaper changing. The quality of relationships in the first few years of a child's life continues to influence a child's wellbeing into adolescence. As they become older, infants begin to enjoy play and stimulation with caregivers. They learn to love and trust familiar, reliable caregivers and to trust that their needs will be met by these adults.

A caretakers' attunement to an infant's needs results in healthy attachment and helps the child to develop the ability to self-soothe. It is important that that caregivers meet the child's needs and that infants are not stressed by absences from known, warm, responsive and predictable caregivers. The essential feature for the child is consistent, quality care. Caregivers must have the necessary skills, such as the ability to feed the baby, knowing developmentally appropriate toys, mirroring the baby's efforts to make contact, responding to the baby's smiles and babbles or gestures, and knowing how to soothe the baby.

At one time, the predominant view was that infants could only form a singular, primary attachment to one primary caregiver, usually their mother. Mental health professionals cautioned that disrupting an exclusive maternal-child bond in the first year of life could result in life-long adjustment problems, and there were recommendations against overnight care by anyone other than the primary caregiver. While it is now clear that appropriate, nurturing care during the first months and years of life are critical for emotional and brain development, it is also well established that infants can develop

strong attachments to more than one caregiver, provided that each caregiver provides consistent, high quality care.

At about 8 months of age, babies develop “stranger anxiety.” They want to be with familiar caregivers and begin to discriminate between those to whom they have developed an attachment and others whom they don’t know well. During this period, infants need to be able to develop at least one secure attachment.

Many mothers want to follow the recommendations of the World Health Organization for breast feeding for infants (exclusively for the first six months, and with the introduction of other foods through the next 18 months). However, parenting time with the other parent can be accommodated even if a child is breast feeding with the mother. The non-breast-feeding parent can feed an infant expressed milk from a bottle, particularly after nursing routines are established. While infants may be resistant to bottle feedings by a mother who can breast feed (and they can recognize their mothers by sight and smell), almost all infants adjust to also taking a bottle of expressed breast milk or formula from another regular caregiver. If parents have different views regarding this topic, a consultation with the child’s pediatrician or a lactation specialist may be of assistance.



Schedules for Infants, Birth to 9 Months

If one parent is the child’s primary caregiver in this period (perhaps a breast-feeding mother) and the parents separate or did not live together after the child was born, the child will normally continue to primarily reside with that person. It will be important for the non-residential parent to develop child care capacity and a relationship with the child before having sole care of the infant.

If the non-residential parent has not been significantly involved in caregiving for this infant, it is important for familiarity to develop between the child and that parent, starting with frequent contact for short periods. This will require support from the child’s primary caregiver. The primary caregiver may have concerns about giving care of “her child” to anyone else. However, it is important that the primary caregiver does not become a “restrictive gate-keeper,” but rather supports the other parent’s relationship with “their child,” unless there are legitimate concerns about the other parent’s capacity to care for the child.

The process of developing parenting skills and attachment with the baby may start with regular short visits of a few hours at the home of the primary caregiver. There may at first be frequent and regular contact that includes opportunities for all caretaking activities, such as feeding, playing, soothing, bathing, and putting the baby to sleep for

naps. As caregiving skills are mastered and the parent-child bond develops, this should evolve to longer visits that may include taking the child away from the primary residence.

If the parents cannot communicate effectively about the baby, or if one parent is unable to gain the necessary caregiving skills, consideration should be given to having the child remain in the care of the primary parent, with frequent, short contacts with the other parent. Infants are sensitive to conflict between their parents during transitions and may become difficult to soothe. A third party familiar with the child may be helpful to transition the baby if parents are unable to do so without conflict.

To develop a healthy attachment to both parents, an infant should not be away from either parent for more than a few days. Many infants in the first year of life demonstrate a caregiver preference; extended separation from that primary caregiver should be avoided. However, overnight visits with a non-residential parent may be appropriate, preferably in surroundings familiar to the infant, if that parent has become an active involved caregiver. Before having sole care or an overnight, the infant should be comfortable with a parent, and should be able to be soothed, fed and cared for by that parent.

A baby's needs are best met if parents and caregivers can communicate with each other about the baby's routine and habits. Communicating about the baby's sleep, feeding and waking cycles, as well as sharing tips about what helps soothe and manage the baby, can lead to decreased stress for the baby.

The parents should have a communication log, whether hand written or emailed, which is exchanged after each transition to include information about eating, sleeping, elimination, health, development, and attainment of new milestones. Consultation with a pediatrician or parenting professional may help parents to better understand the needs of children, especially pre-verbal infants and babies, and agree about significant parenting issues. However, if parents continue to have very different views about parenting, or are unable to share a routine, or the infant is responding poorly to the different caretaking practices and beliefs, it may be better for one parent to have a more limited role during this early and vulnerable period of life.

Babies: 9 to 18 Months

Between the ages of 9 and 18 months there is rapid skill development including motor accomplishments (crawling, standing and walking), communication, starting with sounds and developing to simple words, deliberate expression of emotions (hugs, kisses, fear, anger and anxiety), and increased understanding of the functions of people and things.

A consistent and predictable schedule of waking, eating and sleeping is necessary to allow the baby's development of self-regulation and self-soothing. The baby's normal routines should be a primary consideration when parents are making a parenting plan. While multiple caretakers can provide this schedule, some babies have more difficulties

with multiple transitions and changes. Those babies may do better with one primary caretaker and frequent contacts with the other parent.

Schedules for babies 9 to 18 months: Developing a parenting plan for babies of this age is dependent on:

- the amount of prior involvement of each parent with the baby including caretaking routines and functions such as feeding, bathing, playing, soothing, getting ready for bed, and waking;
- the ability of each parent to be attuned and responsive to the baby's needs;
- the baby's emotional, social, physical, cognitive development, which includes ability to self-regulate and to understand that when someone is out of sight they still exist; and
- the baby's temperament.

If one parent has had primary care, the duration and frequency of contact with the other parent will depend upon the other parent's availability, willingness and attunement to the child, as well as the child's temperament. Parents also need to consider their work schedules and the baby's sleeping and eating routines. As with infants under 9 months of age, overnights with a non-residential parent may be appropriate if that parent is attuned to the baby's needs, is able to maintain the care schedule of the residential parent, and is able to soothe the baby.

If the parents only separate when the child is in this age range, and both parents have had consistent, good quality involvement in all aspects of care of the child before separation, it may be appropriate for a shared parenting arrangement to continue with regular overnights with both parents. The child should see each parent every two to three days.

If one parent had less parenting and child care time before separation, there should be opportunities to participate in feeding, playing, bathing, and sleeping times before that parent has sole care and overnights. To further the relationship, there should be contact between the parent and baby every few days, gradually increasing the length of separation from the primary parent as the baby tolerates with the possibility of starting overnight visits.

As with infants, a communication log is essential. This log, whether hand-written or emailed, should include information about eating, sleeping and elimination, as well as health, developmental changes and new milestones. It is important that parents avoid arguments in the presence of the child, as even pre-verbal babies will be stressed by the tension of their parents.

Toddlers: 18 to 36 Months

Toddlers are becoming independent as they develop more control over their environment through walking and starting to talk. They have an increased capacity for observation and imitation. Most toddlers are starting to say their first few words by 18 months and are asking for what they want to get their needs met. Toddlers have better memory than infants, and most are able to tolerate longer separations from a primary caregiver without too much distress. They try to explore their environment, though usually returning to their caregivers for comfort and support.

Toddlers are sensitive to conflict between their parents and may have fears of separation, become clingy, and show stress. If separations are too long, toddlers may show less independence or less interest in exploring their environment, or may exhibit behavioral problems. If older siblings are present, they are often part of the security system for toddlers and they should normally be on the same parenting schedule,



Toddlers need predictable and consistent routines and clear structures that help them develop a sense of limits to help them feel safe and secure. While they need to be closely supervised and have little sense of danger, they should have opportunities for exploration.

Healthy toddlers are starting to assert their independence, and may express themselves by saying “No” and resisting even the most reasonable parental requests (the “terrible twos”). Some children at this age become fearful of separations and may cling or cry at separation from one or both parents (including when left at daycare). Resistance to parental exchanges is normal for many toddlers and should not be taken as a sign that the child is rejecting a parent. Especially at this age, transitions will be easier if the parent with care before the exchange gets the child ready and takes the child to the other parent.

Schedules for toddlers, 18 to 36 months: If parents have fully shared in the caretaking arrangements before the child has reached this age, the child has an easy temperament, or there are older siblings sharing a similar schedule, parenting time can be shared equally - as long as the separations from each parent are not too long (no more than two to three days or two nights for example).

If the child has some trouble with transitions, or is not particularly adaptable or flexible, or if the parents are unable to effectively communicate with each other about the child, it may be better for a child this age to have a primary residence with one parent and frequent contact, including some overnight visits, with the other parent (for example three contacts during the week, made up of one or two 4 to 6 hour blocks and one or two non-consecutive overnights).

If one of the parents has not established the parenting skills necessary to effectively and safely manage a toddler, that parent having 2 or 3 day-time contacts a week (starting at 1 to 2 hours and working up to 4 to 6 hours) should allow that parent to develop a relationship and parenting skills. If the child does not show distress in the care of that parent, visits may increase to include an overnight each week, perhaps extending to two overnights a week. At least initially, if there is more than one overnight a week, they should be spread out over the course of the week. More overnights may be appropriate if the child responds well to overnight visits or there are older siblings who can provide support for the younger child.

Parents of toddlers should cooperate and share information through a log or email exchange about the child's eating, sleeping, health, and activity issues. At this age, it is important that separated parents have consistent approaches to caregiving, including issues like bedtimes and feeding. Parents should avoid arguments when they are exchanging care. Even at this age, children will be stressed by tension and argument between caregivers, and if exchanges by the parents are tense, it is preferable to have a third party, like a grandparent, take the child from one parent to the other.

Preschoolers: 3 to 5 Years

Preschoolers experience a tremendous amount of developmental change. They have a growing sense of independence, but they find security in their routines. Their social networks are expanding to include other children, teachers, and families. They are learning to interact with others and to increasingly understand rules of social engagement, but still require adult guidance, supervision and support.



By this age, children have begun to develop more social awareness, but their coping skills are underdeveloped. Preschoolers tend to be egocentric and feel that they are the “center of the universe.” Preschoolers tend to be impulsive and very concrete in their thinking, and their play and interactions often involve efforts to feel powerful. They are prone to fears and anxiety and may have nighttime fears. They may have difficulties with separations or transitions, but can generally calm down and settle in. Preschool children are alert to the moods and tension of their caregivers. However, because of their egocentricity, they may blame themselves for the anger, unhappiness, or anxiety of their parent, and they may feel that they are responsible for a parental separation.

Schedules for pre-schoolers, aged 3 to 5 years: Preschoolers can tolerate longer absences from a parent, but a child's temperament and the pre-separation parenting arrangements must be considered. Transitional objects, such as a favorite toy, stuffed animal or blanket, moving between the two homes can help a preschooler manage sadness and anxiety.

If one parent was primarily responsible for the child and the other parent had limited involvement with the child’s daily routine, the child should continue to reside with that parent, with a possible plan of step-up care to increase the involvement and skills of the other parent. This might start with two or three 4-hour blocks of parenting time per week, building up to one longer block (likely on a weekend) that may include an overnight. As a child becomes more comfortable moving between the two homes, one or two overnights a week might be added.

If the child has trouble adapting to transitions, or one parent has less time available for child care or less experience with the care of the child, parents may find that a plan that involves a child spending more time with one parent provides greater stability for the child through this stage of development. This arrangement may involve a schedule of care with the other parent having some midweek contact and care every other weekend. The weekend could start with one overnight and may then be extended over time to include Friday night, or Sunday night, or both.

If both parents were employed outside the home at the time of separation and were equally involved in the child’s care, it may be appropriate to have an arrangement with roughly equal care, but not more than 3 nights away from either parent. At the early stages of separation, the parents might consider splitting each weekend so that the child has one full stay-at-home day and overnight with each parent as well as some weekday contact. While this may not be the best long-term plan for the parents, it may help the child at this stage of development. This type of arrangement may be a “2-3-2-2-3-2” schedule, with care transition days starting at 10 am or at the end of daycare or school.

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------|----------|-----------|----------|----------|----------|----------|
| Parent B | Parent A | Parent A | Parent B | Parent B | Parent B | Parent A |
| Parent A | Parent B | Parent B | Parent A | Parent A | Parent A | Parent B |
| Parent B | Parent A | Parent A | Parent B | Parent B | Parent B | Parent A |
| Parent A | Parent B | Parent B | Parent A | Parent A | Parent A | Parent B |

If the parents have difficulty in communicating in person, it may be preferable to have as many exchanges of care as possible done by having one parent drop the child at day care and the other pick up the child at the end of the day. This would require shifting the schedule so that it starts on Monday; apart from holidays, transitions take place through day care.

Early School Age Children: 6 to 9 Years

Six to nine-year old children engage with more people outside of the family and experiences that help develop a sense of competence, such as participation in school, sports, art, music and peer relationships.

Children of this age can more easily understand and manage differences in parenting styles and blocks of time away from each parent due to their now more developed

understanding of time. Using a calendar to inform and remind children of the parenting schedule, along with other activities, is helpful for this age, as transitions can be anticipated and talked about ahead of time, easing the stress of transition.

If parents are in conflict, the child's sense of competence may be affected. It is important to protect a child from conflict between their parents. In this regard, it can be helpful for transitions or parenting exchanges to take place at neutral places (such as school). Children this age often feel they need a parent's "permission" to see the other parent. They have developed an appreciation for others' points of view; if they believe that a parent is unsettled or anxious about their spending time away, the child may have feelings of guilt, fear, anxiety, or even anger.

While children in this age range are stressed by parental conflict, they are more flexible than older children, and may be better able to transition between hostile parents. Entrenched child resistance to contact with one parent due to the parental conflict or the influence of an aligned parent may start at this age, but generally only starts with children who are a little older.

Schedules for children aged 6 to 9 years: At this age, children generally should have very significant involvement with both parents. However, parents should appreciate that as children grow older, they should be spending more time on school and community activities, which will mean less time with the family. Children in the higher end of this age range are likely to want to have input in the parenting plan.

If both parents have had a substantially equal role in parenting, it will normally be appropriate for them to have roughly equal time caring for their children of this age, provided that this is logistically feasible for them. This will normally involve children spending 4 to 7 nights in a two-week cycle with each parent.

For children in this age group, an equal parenting time schedule could be based on 2 to 7 nights in a row with each parent, for example a 2-2-3-2-2-3 or a 5-5-2-2 or a 3-4-4-3 arrangement. For some children and parents, transitions can be challenging, and alternate weeks may be more beneficial for children in this age group. While in the care of one parent, a short private call or on-line chat with the other parent once a day will generally help the child feel more secure, especially if a child is away from a parent for more than a couple of nights in a row.

As more fully discussed below, children in this age range are often starting to be involved in extracurricular activities. If the parents do not both have the willingness and ability to facilitate involvement in a particular activity, it may be advisable to have a parenting schedule that gives the parent supporting that activity the care of the child on the same day that the activity is scheduled.

Early School Age Children, Ages 6-9 yrs.: Equal Time 2-2-3-2-2-3 (Weekends Split)

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------|----------|-----------|----------|----------|----------|----------|
| Parent A | Parent B | Parent B | Parent A | Parent A | Parent A | Parent B |
| Parent B | Parent A | Parent A | Parent B | Parent B | Parent B | Parent A |
| Parent A | Parent B | Parent B | Parent A | Parent A | Parent A | Parent B |
| Parent B | Parent A | Parent A | Parent B | Parent B | Parent B | Parent A |

If separation occurs when a child is in this age range and one parent has had a smaller role in parenting, it is normally preferable for the other parent to provide most of the care initially after separation, but children will benefit from significant involvement with the other parent. When one parent has had only a limited prior role, the plan might start with the child having one overnight each weekend, and a dinner and a few hours one night during the week. That schedule can expand after a transition period to alternate weekends and a midweek visit. The mid-week visits, whether just a few hours or overnight, are a valuable way for the parent to engage in the child’s routine activities, especially in relation to school. This arrangement could evolve into an equal time schedule.

Even if parents have been equally involved in child care before separation, some children in this age group will still benefit from having a “home base” with one parent, with, for example, alternate weekends and a mid-week dinner with the other parent. It is very helpful for children this age to have a consistent routine, whatever the parenting plan. Any mid-week visits should occur on the same night each week, if possible.

Early School Age Children, Ages 6-9 Years: Expanded Weekend & Midweek

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------|---------|----------------------------|----------|----------|----------|----------|
| | | Dinner or Overnight with A | | Parent A | Parent A | Parent A |
| | | Dinner or Overnight with A | | | | |
| | | Dinner or Overnight with A | | Parent A | Parent A | Parent A |
| | | Dinner or Overnight with A | | | | |

If the parents have difficulty in communicating, it may be preferable to have as many exchanges of care as possible done by having one parent drop the child at school and the other pick up the child at the end of the school day. This plan requires that a child spend alternate weekends with each parent so that weekends are not split.

Early School Age Child, Ages 6 to 9 Years: Equal Time, 5-5-2-2 (Alternate Weekends)

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------|----------|-----------|----------|----------|----------|----------|
| Parent A | Parent A | Parent B | Parent B | Parent B | Parent B | Parent B |
| Parent A | Parent A | Parent B | Parent B | Parent A | Parent A | Parent A |
| Parent A | Parent A | Parent B | Parent B | Parent B | Parent B | Parent B |
| Parent A | Parent A | Parent B | Parent B | Parent A | Parent A | Parent A |

Later School Age Children: 10 to 12 Years

Children in their pre-teen years are becoming more independent from their parents as they prepare to make the leap into puberty and adolescence. They have greater capacity to understand time and to appreciate future plans and schedules. They are focused on developing competence in activities, skills, and experiences which create confidence. Though rule-bound like the younger school-aged children, they are now contemplating moral issues and can consider the perspectives of other persons. If there is a high level of conflict, and one or both parents are undermining the child's relations with the other parent, this is an age where some children may strongly identify with one parent. It is not unusual for children of high conflict parents in this age range to align with one parent and start to resist contact with the other parent. In extreme cases, one parent may intentionally engage in a pattern of behaviour intended to alienate the child from the other parent.

Parenting plans for a child this age must take into consideration the child's activities and friendships, which are increasingly important. Participation in sports, plays, religious and other regular activities should be maintained in both homes. Parents must follow the child's interests and make reasonable decisions accordingly.

Schedules for children aged 10 to 12 years: Parenting plans for this age group should encourage children to develop social and intellectual skills, participate in extracurricular activities and develop peer relationships. Balancing all of these activities requires flexibility and support from both parents.

Children in this age group can do well with a range of different plans, but should have frequent contact with both parents. Where possible, this should include overnights or dinners during the school week and some weekends with each parent.

Children in this age group may also do well with alternate weeks with each parent or a 5-5-2-2 arrangement. However, some children will prefer having a "home base" with alternate weekends and one overnight during every week or two with the other parent. Children who express a preference for a "home base" model may do so because of practical concerns about school, extracurricular activities, peer relationships, or living arrangements in a blended family. Such a preference should not be confused with alienation or resistance to contact and should be respected.



Parents should allow children aged 10 to 12 years to express their views and feelings, recognizing that children this age want greater control. At the same time, parents should also make clear that the parents together will make the final decisions.

A child in this age group may feel the need to become “allied” with one parent and start resisting seeing the other parent. Resistance to contact is usually best understood as a “family systems problem” that should be addressed by the child and both parents, if possible, through discussion and perhaps voluntary therapeutic involvement for all family members, but if necessary through the legal process. The support of a favoured parent for a strong relationship with the other parent is very important, and, unless there are serious issues of poor parenting, is usually in the long-term interests of the child.

Early Adolescents: 13 to 15 Years

The task of the adolescent is to develop his or her own identity separate from the family, while maintaining a healthy connection to his or her family. For the younger adolescent, 13 to 15 years, the family is still the main source of support and nurturance. While peers, school, and activities are very important and the focus of day-to-day life, parents provide the guidance and support adolescents need to develop critical decision-making skills.

The task of parents during these adolescent years is to increasingly give up control and help the adolescent anticipate risks and practice good decision-making skills. At the same time, parents cannot give up monitoring their adolescent or negotiating and enforcing rules. Adolescents lack adult judgement and are prone to risk-taking.

Adolescents whose parents have separated may be at a higher risk of engaging in such activities as drug use and sexual relations at a younger age than children of intact families. Separated parents should discuss with each other how their children will receive instruction on issues like birth control and sexual orientation. Some parents find these issues contentious. Open communication between separated parents around these issues is important. Preferably children will receive consistent, age appropriate, accurate messaging from both parents about their sexual health and risky behaviours. At the very least, each parent should be aware of the other parent’s approach to these issues.

Parents of adolescents have a particularly challenging job in maintaining flexibility while setting clear, enforceable limits. It is especially important for separated parents to avoid being manipulated by their children. Despite apparent resistance to parental rule setting, adolescents appreciate when parents who have separated can co-operate and show a “united front.”

Parents must be mindful of the teen's social relationships and activities while balancing family time. As the adolescent gets older, his or her activities take more and more priority. Parents must keep open lines of communication with their adolescent and each other, maintain clear rules about safety and respect, and be able to communicate with each other so that risks to their teen are minimized.

Cooperative co-parents of teens model good problem solving and relationships. When parents are unable to effectively and respectfully communicate with each other as needed, vulnerable teens may be more susceptible to unsafe risk-taking behaviors and poor emotional adjustment.

Schedules for adolescents aged 13 to 15 years: While a variety of time-sharing schedules will work for adolescents, parents of early adolescents should consider the child's schedule and activities, the distance between their homes, parental work schedules, and the child's temperament and preferences, while also recognizing the child's need for unstructured time. Alternating weeks, with or without a mid-week visit with the other parent, may work well for this age group.

Even more than with younger children, parents should respect an adolescent's stated preference for a "home base," with alternating 3-day weekends and some mid-week time with the other parent. As children reach adolescence, their own social networks and outside activities are becoming important, which may be facilitated by having a "home base." However, parents who are not the child's "home base" may increase their contact and involvement by providing transport and attending their children's athletic, performance and academic activities.



Late Adolescents: 16 to 18 Years

Parents of 16 to 18-year olds should be encouraging and supportive of their children's gradual separation from both parents and development of an individual identity. As they move through this stage of development, most adolescents are spending less time with family and more time on school, extracurricular activities, part-time jobs and peer relationships. Many adolescents in this age group are dating; they may need to develop a healthy and safe understanding of sexual and other feelings in the context of dating relationships. Many older adolescents become focused on post-high-school plans including education and careers, and many are becoming politically aware and engaged.

As teens reach age 16 years, they need to provide more input into the parenting plan, and parents need to be flexible to accommodate the teenager's activities (including school, extra-curricular, and employment) as well as their social life. While older adolescents often emphasize their need for independence, and often have intense but

changeable feelings, there is a need for consistency, support and meaningful time with both parents.

Parents should be aware of the teenager's need to be consulted, informed and involved when making plans, without giving up the adult-child relationship and the structure that can only be provided by both parents.

Parents should remain flexible while maintaining age-appropriate controls regarding curfews, driving, dating and overnights away from both homes. It is especially important for parents who are not living together to communicate with each other, avoid being manipulated, and try to be consistent or at least aware of differences in their behavioural expectations.

There are many different parenting arrangements that can work with this age group. Some older adolescents need and request that they maintain a base in one home with an alternating weekend schedule with the other parent. Others want to divide their time with each parent alternating weeks or even two-week periods, to limit transitions and disruptions. In the latter plan, if a parent does not see their teenager at events or activities, they may schedule a weekly dinner or other type of contact during their non-residential time. It is critical that the parents and adolescent are clear where and under whose supervision and authority the teen is at all times. Summer schedules need to be developed after the adolescent's summer plans for employment, camp, and activities are established.

Long Weekends, Vacations and Special Days

The "regular" parenting schedule will typically apply during the school year, and may or may not continue during the summer. Most parents will want a holiday and vacation schedule to take precedence over the regular schedule for at least part of the summer break from school, as well as making provision for some celebratory days.

Many parents, especially those with some form of alternating weekends schedule, choose to adjust the regular schedule for statutory holidays and PA days by adding 24 hours to the parent who has time with the children on the weekend immediately before or after the holiday, while some parents treat long weekends the same as other weekends.

Some parents choose to alternate some of the long weekends and special days on an "even or odd" year arrangement, or choose to equalize the statutory holidays over the course of one year. If this is done, it may create a situation where one parent has three weekends in a row, unless an adjustment is made. If there is a variation of the regular schedule for specified long weekends, it is often preferable to adjust the regular schedule to accommodate the long weekend so that each parent has two weekends in a row over a four-week period, which allows for a smooth transition back to a regular alternate weekend schedule.

Christmas Eve and Christmas Day are important to many families and fall within the two week winter school break. One common arrangement is for one parent to have care of the children from Christmas Eve overnight to Christmas morning, and the other will have care of the children from Christmas morning until Boxing Day. This may be alternated in an “even or odd” year arrangement. Typically, the balance of the school break (which is approximately two weeks) is shared equally, with an exchange in the middle of the break. Another option is divide the Winter break into the first week and the second week, without a special provision for Christmas or the New Year.



To reduce tension, it is important to make fair, child-focused holiday plans in advance. For some families, doing things like splitting Christmas Day works well, but for some parents or children, a transition in a day like that is difficult, and an annual rotation may be preferable. If before parental separation a child has looked forward to a holiday tradition, like spending the whole of Christmas Day at one relative’s home, it may be helpful for the child to continue that tradition, especially in the immediate aftermath of separation. It is, however, also important to allow new holiday traditions to develop for the child.

There are a variety of options that parents may wish to consider for March Break. Some parents prefer for one parent to have the children the whole of the break on an “even or odd” arrangement, as this allows them to travel with the children every other year. Other parents prefer to split March Break by exchanging the children on the Wednesday in the middle of the school break so that they each have 5 days with the children including a weekend.

Each parent will typically want some uninterrupted time with the children in the summer. For example, each parent may have one week in July and one week in August (or two uninterrupted weeks during the summer), with the balance of the summer following their regular schedule. Other parents choose to follow a one week on, one week off schedule during the summer, or even a one month rotation schedule. The summer schedule will depend on the age and stage of development of the children, and whether the children are attending residential summer camp. The summer schedule may also be impacted by a parent’s travel plans, particularly if they intend to visit family who live far away. However, an extended period of time away from either parent, especially if one is the primary caregiver, may be less appropriate if children are very young.

Where a child is enrolled in subsidized daycare, the parents should be aware of any requirement to take the child to daycare during the summer or other non-school days in order to avoid a penalty.

Some parents expect that they will see their child on the “honoured parent’s day,” Mother’s Day or Father’s Day, and perhaps on each parent’s birthday.

There is sometimes tension between parents about plans for holidays like Christmas and New Year's, or for events like Halloween or the child's birthday. Parents may place the same or different values on religious and other holidays, which can lead to conflict. To the extent possible, each parent should have the opportunity to spend time with the children on the days that parent considers important. However, some parents and their relatives may place greater significance on spending these "special days" with their children than the children do. While each parent may want to be with the child on a day like the child's birthday, and there may be a plan to divide the child's time that day, many children actually prefer to have two "special days," and are quite content to have "two birthdays" and even "two Christmases" each year.

Children are more likely to remember, and be distressed by, parental arguments around holidays, than to have strong positive memories of festive family dinners. Events when children receive gifts or are the center of attention, like a birthday, may be more anticipated than remembered, unless there are negative memories of family arguments.

Persons Picking Up and Dropping Off the Children

Sometimes one parent may not be able to pick up or drop off the children in person and may arrange for someone else to do this. In most cases, this should not cause problems. However, one parent may have concerns about who picks up or drops off the children, whether due to safety issues or because of personal discomfort, such as the person being a new partner.

If this is a concern, it should be discussed by the parents, and if necessary addressed in the parenting plan. If there are legitimate safety concerns (one parent wants their sibling to pick up the child, but the sibling's driver's license has been suspended), a person may need to be precluded from being involved in transport of the children. However, as uncomfortable as it may be at first, parents have to adjust to new situations, including becoming acquainted and civil with individuals who may play a significant role in their children's lives, like a new partner of the other parent.

Flexibility in Response to Unexpected Events and "Missed" Time

No matter how detailed their plans, parents will also need to be flexible. There will inevitably be unexpected personal and family emergencies, such the death of a relative, that will require flexibility and support from both parents. A good way to respond to situations when you are asked to accommodate an unexpected event or emergency faced by the other parent is to think about how you would want them to respond if you were faced with a similar situation or emergency.

Parents will also need to have flexibility to meet the needs of their children, for example due to medical events or unexpected school closings. There may also need to be re-scheduling if there is an out-of-town event related to sports or cultural activities, with participation in the activity being supported and arranged by one parent, but occurring

during the scheduled time of other parent. Children almost always appreciate parents who have the flexibility to meet their needs.

There may be an expectation that if one parent seeks a variation of the schedule, even for an unexpected event like a family funeral, that the other parent may have an equal amount of “make-up” time for the missed time. “Make-up” time is most likely to be a concern for a parent who has only limited time with a child. Most parents can resolve this type of situation on an informal basis as situations arise, and, if appropriate, arrangements can be made for the makeup time at the same time as the variation is being sought. But other parents may want to specifically address the issue of “missed time” in their parenting plan, including considering how it is to be arranged. For example, is a missed weekend to result in the next weekend being make up time, or should the parent giving up time have the choice of when makeup time occurs?)

The type of communication used will depend on many factors, including the child’s age and stage of development. It is important to appreciate that most children, especially younger children, become bored or restless with conversations that are too long. Young children rarely enjoy long conversations, whether in person or on the phone or internet. If there is conflict between the parents and the child is older, it may be beneficial to the child to have a form of communication that the child can use on their own, and can use privately.



Telephone, Video Calls and Other Contact (“Virtual Parenting Time”)

Many children want to keep in contact with the parent with whom they are not residing, especially if the periods of separation are more than a couple of days. If there is a potential for conflict on this issue, it can be important to set out some ground rules for contact with one parent while the child is in the care of the other parent. If this is not clear, misunderstandings can arise about one parent “interfering” with the time of the other parent.

Parents should decide if and how much telephone/texting or other contact will meet the child's needs. Some children, especially younger ones, who are doing well spending time with a parent may become upset just by hearing the other parent's voice on the phone. Other children may want to be comforted by having regular communication with an absent parent. Sometimes, parents will only appreciate the importance of this for a child after a parenting plan has been put in place for some time, and a child has had time to acclimate to the new schedule. The amount of contact the child feels they need may also change based on age as well as external factors (e.g., stressful time at school, upcoming holiday). As such, parents should remain flexible and focused on the child’s needs when evaluating how often the child contacts the other parent.

Social Media

For some parents, the use of social media by the child, or the use of pictures or other material about the child on parental social media, are contentious issues that should be addressed in a parenting plan, though other parents deal with this on a flexible, evolving basis.

Parents may wish to have a provision in their parenting plan limiting the posting of pictures of their children or the other parent on Facebook or other social media, or providing that this shall only be done in a respectful way. Even without specific provision in a parenting plan, a parent should be using their own social media in a way that is respectful of their children and another parent. This is desirable to promote co-operation, reduce parental conflict and promote the interests of their children. Inappropriate use of social media as a platform to attack or criticize the other parent may be used against the parent who posted such comments if the case should ever come before a judge.

As children get older, they are likely to start to use social media to communicate with family, friends, acquaintances and the wider world. It is preferable for parents to discuss and have shared rules about their children's use of social media, but if that is not possible, it is at least important for each to be aware of the approach of the other parent when the child is in the care of that person. It is also important to involve children in discussions about social media issues. The reality is that parents of adolescents often find that education and discussion with their children are the only effective ways to control their children's use of social media.

If use of social media is addressed in a parenting plan, parents should consider whether this is to be based on an "honour system" (with violations coming to the attention of the other parent to be addressed in some way), or whether there is an expectation of some type of monitoring.

A Right of "First Refusal" (or Assuring Priority of Parental Care)

Some parents agree that if the parent with scheduled time with the child is unable to personally be with child, the other parent should have the first option to provide childcare so they should be contacted before other childcare arrangements are made. The idea that there should be a "priority" for care by a parent may be an especially significant concern if one parent only has limited time with the child, or there will be absences for extended periods of time.

Many parents, however, find that this type of arrangement is intrusive and it can cause conflict, and therefore prefer to let the parent with scheduled time have the responsibility and right to make child care decisions on "their time". One factor to consider related to this inclusion of this type of term are the expectations that parents may have about the frequency and duration of absences.

Time with Other Significant Adults

Children may have significant long-term relationships with adults other than their parents such as grandparents or other extended family members, with each parent having the right and responsibility to decide who else to involve with the child “on their time.”



But in some cases, parents may decide to include a provision in their parenting plan that specifically provides for contact between the child and another person. For example, this may apply when a person has been very involved in the care of the child, and it is important to the child to maintain that relationship by setting up regular visits.

When thinking about this type of provision, it's important to keep in mind the child's overall schedule as well as their involvement in other activities.

Time with Siblings

As discussed above, for both psychological and practical reasons, it is usually preferable to have a parenting time schedule that keeps siblings together. However, in some cases there may be different parenting time schedules for different children or occasional variations for one child, especially as children get older and can travel without either parent.

If one or both parents have new partners who have children, the parents should also consider whether schedules should be aligned to ensure time with step or half-siblings.

Attendance at child-related events

It is important for parents to decide whether they will both attend parent-teacher meetings and extra-curricular activities like sports events. If parents can maintain a civil attitude towards each other, it is preferable for them to attend together at parent-teacher meeting and significant events, like school graduations.

If the child is in the care of one parent, for example at a sporting event, it is appropriate for the child to greet and interact with the other parent if that parent attends. This should be supported by the parent with care of the child at that time.

Parents with new partners should be sensitive about bringing them to events with the children where the former partner is also in attendance. This should generally not be done until the new relationship is stable, and the former partner should be informed in advance rather than surprised.

In some cases, the attendance of both parents at events will be anxiety-provoking for the child or may lead to a confrontation at the event; if so, then it may be necessary for the parents to take turns attending. If there is potential for conflict on this issue, it is important to be clear about how this will be approached. Will the parents take turns attending events? Will each parent be entitled to attend specific types of events (i.e. hockey games vs. school performances)? How will information about the events be shared in advance?

Children’s personal items

Children often have favourite clothing, toys, or communication devices that they like to have with them, regardless of which parent’s house they are spending time at. Mobile phones and other communications devices can be a controversial issue if one parent is paying monthly fees. If these items are considered to belong to the child, the child should be permitted to take that item along, regardless of which parent bought them. Both parents need to respect the child’s attachment to possessions that they may regard as their own.

If there is potential for conflict on this issue, it is important for both parents and the children to be clear about the identification and expectations for these items.

This parental sharing of property could even extend to pets who might move residences with the children. However, it is important to be realistic about pet care and consider the welfare of the animal and each parent’s attachment to the pet, as well as a child’s attachment to the pet.



DECISION-MAKING

Many decisions have to be made about children. Some are major decisions, perhaps affecting the child’s life for years (deciding what high school a child will attend) or that may permanently affect the child’s future (medical treatment). There are also a host of smaller day-to-day decisions that need to be made.

“Major” Decisions

Typically, the “major” decisions include:

- choice of school and educational needs such as psychological testing, remediation, enrichment, tutoring, or special class placement;
- medical treatment including any special dietary needs, long term medications, and other health care needs such as therapy/counselling or vaccinations;
- participation in extracurricular activities, particularly if there is an expectation that both parents will be responsible for supporting the child’s engagement;

- decisions about faith, religious observances and cultural or ethnic heritage.

Parents may agree to make these major decisions jointly, have them made by one parent, or divide different areas of decision-making between them. If there is an agreement that decisions are to be made jointly, there needs to be some mechanism, such as mediation, for resolving disputes if they are unable to agree. Provisions in a parenting plan that may be used to resolve disagreements, such as mediation, are discussed below.

Although it is preferable for children if parents consult with each other and make major decisions jointly, it is important for parents to be realistic about whether they are to compromise to make joint decisions. Sometimes making joint decisions is not possible when parents have separated. An alternative is a provision that the parents are expected to consult about major decisions, but with one parent to have the final say. It is possible to have a division of responsibilities so that the parents are required to consult for all major decisions, but one parent will have the final responsibility for decisions in some domains, such as health care and religion, while the other parent will make the final decision about other matters, such as education and extracurricular activities.

Or, for example, parents may agree that each parent will select and pay for one extracurricular activity for the child, and that both parents will co-operate with the other's choice and take the child to the activities scheduled when they have care of the child.

It is also possible for a parenting plan to specify that one parent alone will make some or all major decisions.

In considering how major decisions about aspects of the child's life will be made, it is important to appreciate that once a decision about a particular matter is made, both parents will need to cooperate in order to effectively implement the decision. This is especially true with decisions about **education**, as it is likely under any parenting schedule that both parents will have some role in taking the child to or from school, assisting with homework, and meeting with teachers. **Medical** decisions often require both parents to ensure that medication or other aspects of a treatment plan are followed. **Extracurricular activities** will typically involve some support and transportation by both parents, particularly when the activity overlaps with both parents' parenting time. The implications of implementing decisions should be considered when a plan is made about the decision-making process.

“Day-to-Day” Decisions

While major, foreseeable decisions should be discussed in advance, in contrast, day-to-day and emergency decisions are usually made by the parent who is with the child at any given time.

The parent with care of a child will normally be permitted to make day-to-day decisions that concern their time with the child regarding issues such as doing homework, bedtime routines, meals, and chores. Even for these decisions and routines, it is preferable for parents to consult and communicate with each other. While it must be

recognized that each parent has the right to set their own “house rules”, it is **GENERALLY** helpful for children to have consistency and stability. As well, for some issues, the health of a child may require certain standards of care.

While each parent is responsible for care and day-to-day decisions in their own home, it is especially important for parents to appreciate that the healthy development of infants and pre-school age children requires consistency in routines for sleeping, bedtimes and diet.

Emergencies

In medical emergency situations, the parent with care should try to immediately contact the other parent about the situation, and involve them in decision-making. At a minimum, unless special circumstances or considerations exist, both parents should know about medical emergencies.

Implementing Plans

It is necessary to not only make decisions, but to implement plans. This will include making appointments with doctors, dentists or counsellors, taking the children to these appointments, and paying for them.

There also needs to be consideration of which parent will buy the children's clothing, sports equipment and toys, or whether both parents will be involved or divide these responsibilities in some way.



Many parents address these issues on an ongoing and informal basis. If one parent is paying child support to other parent under a Separation Agreement or Court Order, it will often be expected that the recipient of child support will have the primary responsibility for paying major expenses for the child such as winter clothing and footwear or extracurricular activities, perhaps with the agreement or order specifying that this parent is to be reimbursed a portion of these expenses.

If there is likely to be conflict over financial issues or paying expenses, it may be useful to have provisions in a parenting plan that supplement those in a Separation Agreement or Court Order.

COMMUNICATING, PLANNING AND IMPLEMENTING

Good communication between parents is essential for a positive co-parenting relationship.

It's important to have ground rules about *what* information parents are required to share with each other about the children and protocols for *how* this will be done (e.g., web-based communication platform, frequency, reply time, etc.). It's also a good idea to decide how parents will discuss the child-related issues that will come up from time to time.

Information Sharing

Under both the *Divorce Act* and the *Children's Law Reform Act*, parents are presumptively entitled to obtain information about their children's health, education and well-being directly from third parties, like doctors and schools, even if these parents are not entitled to participate in or make major decisions about their children. Despite these presumptive legal rights, parents may want to include provisions in their parenting plan that recognize these rights (or that limit them), as this can help ensure that third party professionals are clear about whom they can provide with information. It may also be useful to add provisions reflecting the commitment of both parents to sign any consent forms for information release that cautious professionals may require.

Parents should also be aware that "mature minors" may have the right to seek confidential treatment or counselling without either parent being informed.

Extracurricular Activities

It is valuable for children to participate in extracurricular activities, to the extent consistent with the child's interests and abilities, and the resources of the parents. If possible, parents should develop a joint plan for deciding which extracurricular activities the child will undertake.

One parent should only plan extracurricular activities that will occur during the other parent's scheduled time with a child with the advance agreement of the other parent. If nothing is agreed upon, the parent with parenting time when the activity is scheduled has the right to decide whether the child attends that activity.

Planning activities that will take place in the other parent's time without that parents' consent may be unfair to both the other parent and the child.

Religion, Culture and Ethnicity

For some parents their religious, cultural or ethnic heritage are very important, and they want to share their faith, culture and language with their children, while for other parents these may be less significant or contentious matters.

If the parents have different faiths, cultural or ethnic identities, addressing these issues will be especially important, but can be challenging.

If these issues are important to parents and likely to be contentious, the parenting plan should address them. Children and parents may have to adjust to the fact that a child has a dual heritage and will be exposed to both heritages. For some matters, like religion, there will need to be an expectation that at some point the child will have sufficient maturity to make his or her own decisions.

Indigenous Heritage

If one or both parents have Indigenous heritage, band status, language, traditions or culture, there may be specific issues related to be addressed in a parenting plan. These issues might relate to involvement and attendance at community events that may occur without a fixed calendar schedule.

If the parents have different band memberships, they may want to address the child's registration in their Parenting Plan.

If both parents share a cultural or community heritage, they may want to provide that a respected community member or elder will be involved in dispute resolution.

Documents

It is important to decide who will obtain and have primary responsibility for the care of important documents for children, like health cards and immunization records, SIN cards, birth certificates and passports.

Normally both parents should have copies of all of the important documents.

Vacations and Travel

When one parent plans to travel with the children, especially on a long or faraway trip, it's important to give the other parent notice so they know:

- where the children are;
- how to contact the children while they're away; and
- when the children are returning.

The Government of Canada strongly recommends that children travelling across international borders carry a consent letter proving they have permission to travel from every person with the legal right to make major decisions on their behalf if that person is not with them on the trip. Parents may decide to include a provision in their parenting plan that deals with consent letters, and may also want to use [federal government recommended consent letters for children travelling abroad](#).

Passports

When parents are separated or divorced, Canadian Passport officials have rules about which parents' signatures are needed on passport applications. These officials are expected to ensure that the parent who applies has the legal right to apply and that there are no restrictions on travel.

For separated and divorced parents, there is a requirement that generally both parents need to sign the passport application for the child, or that a primary care parent provide a Court Order, Separation Agreement or Parenting Plan, authorizing him/her alone to obtain a passport without the other parent's consent. The child must live with that parent the majority of the time.

Restrictions on Travel

Sometimes, a parent may be concerned about letting the child leave the province or country. This may happen, for example, where one parent is worried the other parent may try to take the child to live in another country. If a parent is concerned that the other parent may try to take the child to another country without their consent, it's very important to consult with a family law lawyer to make sure the parenting plan protects the child.

Placing a restriction on a child's travel can affect passport applications. If a parenting plan says that the children cannot be removed from Canada, passport officials may determine that they will not issue a passport.

REVIEW AND MODIFICATION OF PLANS

Monitoring and Changing the Parenting Plan

A parenting plan should be developed with the expectation that it will need to be modified as the child's needs and life circumstances change. There may also need to be modification due to changes in a parent's life circumstances such as health or employment. In developing the initial plan, it is useful to establish a process for making changes to the schedule or other parts of the parenting plan.

If a parent is thinking about making significant changes, especially related to the child's living arrangements or child support, it's advisable to discuss the issues and a draft amended parenting plan with a lawyer before it is signed to ensure legal rights, consequences and responsibilities are understood. A significant change in parenting time may affect child support obligations. Legal advice is particularly important if the change in the parenting plan is significant and the terms of your parenting plan are a part of a formal Separation Agreement or have been included in a Court Order, and there is an expectation that the revised parenting plan will be legally enforceable.

It may be advisable to have a dispute resolution provision related to possible modification, such as resort to mediation, if the parents cannot agree about modification.

Regular Parent Meetings

Children need different things from their parents at different ages and stages of development, and their schedules will change as they grow. This is especially true as children become more involved in activities. The younger the child is at the time of parental separation, the more their needs will change over time, which may require a modification to parenting plan.

Parenting plans may have provisions for regular meetings between the parents to discuss parenting issues and the well-being of their children and consider plans for the future.

“Review” Clause

It is common to include a provision for review meetings in a parenting plan. This sets a time for the parents to meet to discuss the parenting plan and how it's working. Before the meeting, the parents should seek the input of their children, unless they are very young, about how the parenting plan is meeting their individual needs. A provision for a first review meeting should be after a sufficient period for the parents and children to try out the parenting arrangement. For example, there might be an initial meeting after three months, and then possibly meetings every 6 months.



Natural breaks in the year are often good times to start or end a new arrangement. For example, the end of the school year, or the end of the summer or major school breaks are good times to make changes.

Parents should be aware that if they cannot agree to a revised plan and end up in court, the judge may be reluctant to order a change to a parenting arrangement that appears to be working to the child's benefit. The courts are concerned about stability for children and will only change parenting arrangements if there is a good reason and it's in the best interests of the child.

Unanticipated Changes

Sometimes, parents and children experience changes in their lives that were not expected when the parents made the parenting plan, and that may require discussion between regular meetings. For example, one parent may have a new work schedule or job that requires a change to the parenting plan. It's often a good idea to have provision for discussion of unexpected changes as well as regular meetings.

Local Moves

If one parent moves within a local area, it's important to let the other parent know, because it can affect the parenting arrangement. For example, the other parent needs to know where to pick up and drop off the child, and parents may also want to give this information to extended family members. The parenting plan can include a provision that each parent will inform the other parent of a change in residence or contact information. Under the *Divorce Act*, each parent is generally required to give the other parent notice of even a local change in residence, providing the new address and contact information.

Courts scrutinize contested moves closely, and proposed moves may be disallowed, especially if both parents have had significant involvement in the care of the children. Courts take a negative view of parents who relocate unilaterally, without notice or over the objections of the other parent, and such unilateral action may make ultimate judicial approval to relocation with a child less likely.



Relocation

Moves of even relatively short distances can have a significant impact on children and their relationship with their parents, especially if children are going back and forth between the homes on their own, or the parents rely on public transit for moving the child. It's important to think about how to deal with this issue in a parenting plan, even if neither parent anticipates relocating.

The *Divorce Act*, which governs cases where legally married parents are getting a divorce or have already divorced, has specific provisions regarding relocation and requires a parent who plans to move to give 60 days' written notice to the other parent of the intended move that may have a significant impact on the child's relationship with a parent. If the other parent objects to the relocation, the parent who wishes to relocate with a child will need to obtain a court order.

Family Dispute Resolution

An important reason for developing a parenting plan is to limit future conflicts. However, as children grow older and lives change, there may be a need to modify a parenting plan. Preferably parents can agree to a child-focused modification, but sometimes they will be unable to agree. Also, if the parenting plan provides that parents will make some decisions jointly, for example about schooling, they may not always agree.

It's valuable to include a provision in a parenting plan that specifies how to resolve disagreements. While it is always possible to take a dispute to court, this is a slow,

costly and adversarial method of resolving disputes. Parenting plans often include provision for some form of non-court family dispute resolution process such as mediation, collaborative law, parenting coordination or arbitration, or consultation with a respected community member before either parent resorts to the courts to resolve a dispute. The agreement may include provisions for the payment of the costs of using such dispute resolution processes.

SPECIAL CONSIDERATIONS IN MAKING A PARENTING PLAN

Each situation is unique but there are some special considerations when making parenting plans and schedules in specific contexts.

Parents Who Never Lived Together

Absent the involvement of child protection authorities, the birth mother has the right to care for the child from birth and make immediate medical decisions. However, the child's other parent also has rights. When a child is born and the parents are not living together in a spousal relationship, if the parents do not agree about parentage, it may be necessary for legal parentage to be established. This process usually involves DNA testing.

As soon as parentage is established, and even before that, the mother should be encouraging the development of a strong relationship with the father, unless there are concerns about abuse or a lack of capacity to provide adequate care. As discussed in the section on infants, there should be short, frequent visits as a relationship is established and the father gains experience with the child.

In some cases, a father will not be involved, and perhaps was not even acknowledged at birth, and will have little or no contact with the child until later in life. In such cases, there should be a gradual increase in the time between the absent parent and child until the child feels comfortable with the parent and the parent has acquired the necessary parenting skills to care for the child. It is important that the parents maintain flexibility considering the child's age, development, and ability to transition, when creating a parenting plan, especially if the length of absence has been great. The child's emotional needs in adjusting to having a new parent involved in his or her life should be paramount in determining an appropriate plan. An older child should also have some input into whether, when and how a formerly uninvolved parent should be introduced into the child's life, and whether contact should be maintained.

In some places there are parenting classes that can assist a parent without experience in child care by teaching the skills and knowledge needed to become an involved parent.

Long-Distance Parenting

Children benefit when parents reside within a reasonable distance of one another in order to ensure regular contact between the children and both parents. Long distance parenting is challenging and requires both parents to plan, be creative and be flexible to lessen the impact of the distance on the parent-child relationship.



When parents live a significant distance apart, children (at least those attending school) will inevitably have a primary residence, but they should also have significant time in the care of the other parent.

The nature of the parenting schedule in these situations will depend on many factors, including the age of the children, the children's temperament, the financial resources of the parents, and the distance between the parents' homes. To the extent possible, parenting time at the other parent's home should be at times that don't significantly interfere with a child's school and important activities. Despite the distance between homes, and to the extent it is financially feasible, visits and parenting time should occur in both locales so the parent who does not have the child's primary residence can be involved with a child's extracurricular activities and school life.

Opportunities for virtual parenting can help the parent without primary residence have regular meaningful contact with the child, assist in establishing routines, and enable relationship-building activities such as reading stories, singing songs and playing games. For older children, internet-based communication may allow a distant parent to assist with homework and discuss daily activities with the child. When one parent lives at a distance, it is important for the primary residential parent to not only facilitate this type of contact with the non-custodial parent, but also to send regular updates about the child's school performance, activities and development.

Parents in the Armed Forces

There may be special issues in developing a parenting plan if one or both parents are members of the armed forces and are subject to transfer within the country or deployment out of Canada. To the greatest extent possible, the child should be encouraged to engage with the military parent via Facetime, Skype or another method of communication. The parenting plan should normally provide for extended parenting time when the parent who has been absent becomes available for the child.

It is, however, also important to be sensitive to the needs and feelings of children who may feel uncomfortable with a parent whom they do not know well. As in other

situations, it may be necessary to have a “step-up parenting” schedule until the children become comfortable with the parent who has been absent.

Children with Special Needs

Both parents should understand the health, mental health, learning disabilities or other special needs of the child and agree upon the appropriate interventions including doctors, therapists, treatment providers and special education services. In these cases, it is imperative the child is not the messenger regarding his or her treatment and diagnosis. The parents must agree to a plan to manage the treatment; while the treatment provider can provide advice to both parents, it is not appropriate to expect this person to mediate parental disagreements. Parents must communicate about the sharing of medication and other equipment required to assist in the child’s care. When parents are able to cooperate regarding their child’s special needs, both parents should participate in doctor appointments and school meetings regarding care and treatment.



Parenting time must accommodate for the child’s special needs. Some children with special needs face significant challenges with transitions or need especially stable and consistent routines. Equal time regimes and frequent transitions may be less appropriate with some children with special needs. It will, however, often be valuable for both parents to be able to provide care, to allow respite for the parent with the primary residence of a child with special needs.

Partner Abuse & Family Violence

In some families, there has been violence between the parents, or abuse of children by a parent. Children should not be exposed to violence as it affects healthy development and may cause serious emotional harm. Parenting plans in these families should include provisions to protect the child, including transitions in neutral places and limited contact between the parents. In some cases, contact with a violent or abusive parent may need to be supervised or suspended.

In some situations where one parent is perpetrating coercive, controlling violence over the other parent, dominating their partner or instilling fear, the parents should not be developing their own plan. Rather, parenting plans should be court-mandated, and the court should consider including provisions for support services for the victim and child, interventions for the perpetrator, conditions to be met regarding perpetrator’s contact with the child, and consequences for violating orders.

It should, however, be appreciated that even if one parent has been abusive, in the long-term children will often want and benefit from a relationship with that parent,

provided that person has acknowledged and addressed their abusive behaviour, and steps are taken to ensure that the child's safety and well-being are protected.

Parental Substance Abuse or Mental Illness

Mental illness or substance abuse problems may adversely affect parenting if that parent is emotionally unavailable, is unable to adequately discipline and set limits, or provide a safe environment for the children. In such cases, it may be necessary to consider alternative parenting arrangements such as therapeutic intervention, supervised parenting time, or limited parenting time until the concerns have been satisfactorily addressed. Protocols may need to be put in place for ongoing or periodic monitoring and for a resumption or gradual increase in parenting time.

To the extent that parents with a mental illness or substance abuse issue are compliant with their treatment plan, or parenting is not affected, regular parenting time can be established or resume.

Unless a parent with mental illness or substance abuse issues acknowledges their condition and its effect on parenting, it may be necessary for the courts to be involved in making a parenting plan.

Incarcerated Parents

There are many children with one or both parents incarcerated at some point during their minority. An incarcerated parent is still a parent to a child, and in many cases the child has a legal right and an emotional need to remain in contact with the parent, especially if the parent-child relationship was strong prior to the incarceration.

While a child may benefit from having some contact with an incarcerated parent, unless ordered by a court, a non-incarcerated parent is generally not obliged to take the child on visits in prison. If parents are separated, a parenting plan needs to be established that takes into account the length of the prison term, the nature of the parent-child relationship before incarceration, the distance from the child's home to the prison, the security restrictions at the prison, as well as the age and developmental needs, and the availability of relatives or others who are willing to facilitate contact. In-person visits may be appropriate, perhaps facilitated by a grandparent or other relative. Parents should continue to encourage written and telephone contact when an in-person visit is not appropriate.

CHILD SUPPORT

Children need the financial support of both parents, even after separation or divorce, and both parents have the joint obligation to provide that support according to their ability to do so. The term “child support” refers to an amount that one parent pays to another for the financial support of a child.

The parenting schedule and parenting plan should be made based on an assessment of the needs and best interests of children. However, parents should be aware that some parenting arrangements will affect child support obligations and entitlement to some government benefits. In particular, if a parenting schedule results in both parents having the child at least 40% of the time, that may result in a situation of “shared custody” or “shared parenting time” for the purposes of the *Child Support Guidelines*, and may affect entitlement to the Canada Child Benefit and the Eligible Dependent Credit for tax purposes.

Although a discussion of child support is beyond the scope of this *Parenting Plan Guide*, some of the issues addressed in a parenting plan may affect the amount of child support that is payable, and the payment of child support may affect the ability of parents and children to participate in some activities related to a parenting plan. Some parents decide also to address some or all child support issues in a parenting plan.

To determine the child support that is payable in different circumstances, review the material of the [Community Legal Education Ontario \(CLEO\) on Child Support](#) and consult the [federal child support guidelines and worksheets](#).



ADDITIONAL RESOURCES FOR PARENTS

[Federal government resources on post-separation parenting plans](#)

[Ontario Steps to Justice \(Community Legal Information Ontario\): Child custody, access and parenting](#)

TERMINOLOGY

These definitions may help you understand legal terms related to parenting. They are not legal definitions. For a legal definition of these terms, you may wish to consult a lawyer or government web-site.

access (or visitation or contact time)

the time that a person is entitled to spend time with the child. Unless the court orders otherwise, under the *Divorce Act* and the *Children's Law Reform Act*, a parent with access right is also entitled to request and receive information about the health, education and welfare of the child. The term "access" is being used less, as the concepts of parenting time, and parenting schedules are increasingly being used.

alienation

a process by which one parent undermines the child's relationship with the other parent, and results in a child rejecting the other parent. Alienation is emotionally harmful to children. The courts are concerned about alienation, and may vary parenting arrangements if alienation is occurring. However, it should be emphasized that a child's resistance to one parent is not necessarily due to alienation, but may be a result of the conduct of that parent or other factors, including a high level of conflict between the parents. Parents concerned about alienation should seek assistance from a lawyer or mental health professional familiar with these complex cases.

arbitration

both parents agree that they will allow a neutral person—the arbitrator—to decide issues related to parenting, after having some type of hearing. The arbitrator acts somewhat like a judge, but the process is less formal than court. Parents have to pay for arbitration.

assessment (or court-ordered evaluation)

a social worker, psychologist, or psychiatrist is appointed by the court to gather information and make recommendations about a parenting plan to the judge and the parents. The assessment is a professional evaluation about the best interests of the children. The assessor will speak with the children to find out their views and may see how your children interact with each of the parents, depending on the type of assessment.

best interests of the child

Where parenting arrangements are made under the *Divorce Act* or the Ontario *Children's Law Reform Act*, they must be in the best interests of the child. This means an arrangement that will best encourage the child's development, happiness and success. There are many factors to consider in determining the child's best interests, such as:

- the age and stage of development of the child;
- any special needs the child may have;
- the child's relationship with each parent;
- the child's relationship with siblings, grandparents and other extended family;
- care arrangements before the separation;
- the child's wishes;
- each parent's parenting abilities;
- the ability of the parents to cooperate and communicate about parenting issues;
- the willingness of each parent to support the child's relationship with the other parent;
- the child's cultural, linguistic and religious upbringing, including indigenous heritage; and
- issues that may affect the child's safety and either parent's parenting abilities such as family violence, substance abuse, or serious mental health issues.

blended family

a family with two parents who have children from different relationships, and may include a child of the current relationship.

Child Support Guidelines

the regulations under the *Divorce Act* and the *Children's Law Reform Act* that apply when setting child support amounts that are to be paid from one parent to the other. The *Guidelines* consist of a set of rules and tables that must be followed by the courts when judges are setting the amount of child support.

Children's Law Reform Act (CLRA)

The Ontario law that deals with post-separation parenting; it generally applies to parents who cohabited and were non-married; its provisions are very similar to those that apply to parents who were married and are divorcing.

collaborative law

both parents, their lawyers and potentially other professionals, agree to work cooperatively to come to an agreement. During the collaborative process, both parents agree not to bring any court applications. There is an incentive to come to an agreement if the collaborative process does not result in an agreement, the collaborative lawyers cannot represent them in court, and both parents would have to hire new lawyers.

contact

a term used under the *Divorce Act* to refer to a provision of a parenting plan or court order that allows a person who is not a parent, such as a grandparent, to have visits with a child.

counsellor

a person who is trained to provide advice or guidance on personal issues such as parenting after separation or divorce. Counsellors may have different backgrounds such as social work or psychology.

consent order

means that both parents agree on certain issues, and a judge will make an order based on the agreement.

co-parenting relationship

the type of relationship between parents who are separated or divorced where parents intend to jointly meet the needs of the child for whom they share responsibility. There are many types of co-parenting relationships and a range of ways in which parenting time and responsibilities are shared between parents. Co-parenting can be distinguished from more traditional post-separation arrangements where one parent (usually the mother) had “sole custody” and all decision-making rights and responsibilities, and the other parent had a very limited role in the child’s life.

court order

a decision by a judge that is written down. Parents must follow what the court order says. Court orders can be changed by going back to the court and asking for a change, but only if there is a good reason or the parents agree.

custody

traditionally the term custody referred to the rights of a parent to make all major decisions about the child and have the child reside with that parent. This was also called “sole custody.” Today, the term covers both the parenting schedule for a child and how decisions about the child will be made, and there are often orders for joint custody, shared custody and split custody. The term custody is being used less, and being replaced by more child-focused and nuanced concepts like parenting time and decision-making responsibility.

dispute resolution

various ways of resolving disputes between individuals. In the family law context, there are many types of dispute resolution: negotiation, mediation, collaborative law, arbitration, and going to court. The term “alternative dispute resolution” (ADR) refers to resolution outside of court as in mediation or arbitration.

Divorce Act

the federal law that sets out the rules for divorce, legally ending a marriage. For those getting a divorce, it also governs parenting and support issues.

family justice services and programs

programs or services intended to assist families in dealing with separation and divorce. Examples include: mediation, parent information programs, supervised access programs, and maintenance enforcement programs.

family violence

abuse against children or adults in a family. The abuse can be physical, sexual, financial or psychological. Neglect can also be a form of family violence.

gatekeeping

the manner and extent to which a child's primary caregiver supports, or restricts, the child's relationship with the other parent. Primary caregivers should be facilitative or supportive gatekeepers, unless there are concerns about the likelihood of harm or neglect by the other parent, in which case it may be necessary to be a protective gatekeeper, limiting or suspending the child's relationship with the other parent.

joint custody

both parents have legal custody of the child and make major decisions about the child together.

mediation

a process in which a neutral third party helps parents come to an agreement about issues related to separation and divorce, such as their parenting arrangement. Mediators are not marriage counsellors, and cannot impose a decision on the parents. Some lawyers also have a mediation practice, but a lawyer who is acting as a mediator cannot provide legal advice to either party to a mediation.

mental health professional

a professional to provide mental health services, including a social worker, a psychologist or a psychiatrist. Some of these professionals have particular expertise in cases of separation and divorce, and may be well suited to providing assessment, mediation or counselling services for these type of cases.

negotiation

discussions to try and come up with a compromise or agreement about parenting issues. Parents may negotiate themselves, or they may negotiate with the assistance of their lawyers.

Office of the Children's Lawyer (OCL)

a government funded agency in Ontario that may become involved in a parenting dispute at the request of the court, and undertake an assessment (called a clinical investigation), prepare a Voice of the Child Report, or appoint a lawyer for the child. There is no charge to parents for its services, but the Office has a discretion as to whether or how to get involved in a case.

parenting arrangements

the arrangements parents make for the care of their children after a separation or divorce. This includes arrangements about where the children will live, and who will be responsible for making major decisions about issues such as where the children will go to school, their religious education, their medical care, their after-school activities and so on. Parenting arrangements were historically referred to as "custody" and "access," though these terms, with their property-like connotations are being used less.

parenting coach

a person who helps parents adopt new strategies, ideas and attitudes to parenting. Parenting coaches focus on the future and help parents adopt problem-solving skills.

parenting plan

a written document that sets out how parents will raise their children after separation or divorce.

primary residential parent

if the child spends a substantial majority of time with one parent, that person may be referred to as the primary residential parent. The other parent may still have joint legal custody or shared parental decision-making responsibility.

separation agreement

a written document that reflects an agreement between separated or divorcing parents about the legal issues that face them, including parenting, division of property and support. It has legal effect, and is often also incorporated in a consent court order.

sole custody

one parent makes the major decisions about matters such as the child's education, religion and health care. Generally, the child will live primarily with this person.

shared custody

a child lives at least 40% of the time with each parent. This may affect the amount of child support payable under the *Child Support Guidelines* s.9.

shared parenting

as a social concept rather than a legal term, this refers to a situation where both parents have substantial time with the child and share decision-making. With the amendments to the *Divorce Act* coming into force on July 1, 2020, the term "shared parenting" or "shared parenting time" are increasingly being used to refer to cases where each parent had the child at least 40% of the time.

split custody

is an arrangement where at least one or more children reside most of the time (at least 60%) with one parent, and one or more children live primarily with the other parent. This splitting of siblings occurs in about one case in twenty in Canada.

step-family

a family where at least one of the parents has a child from a previous relationship.

Voice of the Child Report (also called a Views of the Child Report)

a report, usually prepared by a social worker, summarizing the results of two interviews with a child, with the child brought to each interview by a different parent. The child meets alone with the social worker. The report focusses on the child's perspectives and preferences, and does not include a recommendation about parenting by an MHP or other appropriately trained justice system professional social worker.



afccontario.ca
info@afccontario.ca



<https://afccontario.ca/parenting-plan-guide-and-template/>

Can be downloaded without charge as Word or pdf

Parenting Plan Template



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Preparation of the *Parenting Plan Template*

The *AFCC-Ontario Parenting Plan Template* has been prepared by the Ontario Chapter of the Association of Family and Conciliation Courts (AFCC-O) to assist parents and their professional advisors in developing child-focused parenting plans. The material in this *Template* provides suggestions for clauses that may be used or adapted by parents and their advisors. It is intended to be used in conjunction with the *AFCC-O Parenting Plan Guide*, which offers suggestions for positive co-parenting, and discusses age-appropriate residential schedules for children and the making of a parenting plan. The *Guide* should be read before the *Template* is used. The central premise of the *Guide* and *Template* is that in most cases it is in the best interests of children for parents to co-operate, reduce conflict between them and for their children to have a significant relationship with both parents. These materials should help parents to do this.

The project to develop these materials was supported by the Board and membership of the AFCC-Ontario. While the members of the Task Force listed below took the lead in the drafting of this material and approved the final product, many others contributed ideas and specific suggestions as the work progressed. The *Template* is a collaborative effort, with ideas and inspiration from many sources. Some of clauses proposed here are adapted from the Justice Canada, *Parenting Plan Tool*; the Sample Parenting Plan in the Appendix is based on a precedent provided by Andrea Himel.

Task Force Members

Nicholas Bala, Law professor, Kingston (Chair)

Rachel Birnbaum, Social Work professor, London

Brian Burke, family lawyer, Toronto

Crystal George, Co-ordinator of Social Services, Aamjiwnaang First Nation, Sarnia

Kim Harris, psychologist, London

Andrea Himel, family lawyer, adjudicator & mediator, Toronto

Carolyn Leach, Children's Lawyer, Toronto

Rana Pishva, psychologist, Ottawa

Michael Saini, Social Work professor, Toronto

Jennifer Wilson, family lawyer, Toronto

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AFCC-ONTARIO PARENTING PLAN TEMPLATE

Using this Parenting Plan Template

A parenting plan is a written document that outlines an agreement by both parents about how they will raise their children after separation or divorce. This *Parenting Plan Template* gives a starting point for drafting a detailed plan. However, each plan should be unique, reflecting the individual needs and circumstances of the parents involved. This *Template* is intended to offer suggestions and options for provisions that you and your professional advisors may want to consider and adapt to meet your situation.

Preferably, both parents will work together to develop their parenting plan, often with the assistance of professional advisors such as lawyers, mediators or mental health professionals. However, if you are unable to work with the other parent to complete a parenting plan, you might prepare your own draft of a preferred parenting plan, and then present it to the other parent as a proposal for their consideration. Being clear about what you want in a parenting plan can help clarify both differences and similarities in the ideas of each parent.

One parent preparing a parenting plan alone as a proposal can be an important first step towards reaching an agreement. A parenting plan proposed by one parent can also be helpful if a case later proceeds to court, both to show what that parent wants and how they are prepared to support and involve the other parent with the child. However, a parenting plan prepared by only one parent alone will not bind the other parent.

While having a parenting plan based on the agreement of both parents is usually valuable, in situations where there are on-going partner abuse concerns or one parent has serious mental health or substance abuse problems, it may be necessary to have a court-imposed order or plan to protect a vulnerable parent and children. Further, it will only be advisable to have a jointly-made parenting plan if both parents are willing and able to communicate, co-operate and make child-focused plans.

Professional Advice

Before completing a parenting plan, it is valuable to consult with a family law lawyer who can help you to understand your legal rights and responsibilities. A parenting plan that has been agreed to by both parents may be a binding document that has legal effect and can be incorporated into a court order. While the *Parenting Plan Template* focusses on “parenting” issues, the type of plan and residential arrangements that are made will

inevitably have a relationship to financial and legal issues, such as support and possession of the family home.

There are family lawyers who are willing to provide advice or consultation to parents on a “limited scope” basis, charging a fee, usually an hourly rate, to review a parenting plan or other agreement, without providing full representation.

See [website of the Ontario Family Law Limited Scope Legal Services Project](#) for more information about this type of legal service, and names and contacts for lawyers doing this work.

Parents can make a parenting plan together without seeking professional help. The *AFCC-Ontario Parenting Plan Template* and other resources are available to assist parents. However, parents will often benefit from getting advice from mediators, counsellors, therapists, parenting coordinators or lawyers to help make a parenting plan. It is an especially good idea to seek independent legal advice before finalizing a parenting plan, in particular to understand its implications for economic issues like child support.

In Ontario, there are [mediation services affiliated with the Family Courts](#) throughout the province that provide services without charge to low income persons and on a geared to income basis for others than can provide valuable assistance in helping parents to reach agreements, whether or not they have lawyers.

Issues to Address

Each section of this *Template* addresses different issues for you to think about as you decide on your parenting arrangements. They include:

- general principles to guide your co-parenting relationship;
- how your children will spend time with each parent, including plans for vacations and holidays;
- making decisions about your children, such as decisions regarding schools or health-care;
- sibling relationships, and children being able to visit and communicate with one another;
- new adult relationships of a parent that might affect your children;
- the use of technology to keep in touch with your children;
- protocols for exchanging information and communicating about your children’s needs;
- taking account of your children’s views in developing the parenting plan;
- handling medical and school appointments and other practical arrangements for your children;

- planning for extracurricular activities for your children;
- cultural heritage, religious observance and faith issues;
- obtaining medical care or counselling for your child;
- travel arrangements;
- considerations for relocation by a parent;
- disability or death of a parent;
- how to resolve disputes as they arise in the future; and
- reviewing, monitoring and changing the parenting plan

It is important to note that this *Template* does not address issues related to child support or other financial issues. To learn more about child support, you may consult the material of the [Community Legal Education Ontario \(CLEO\) on Child Support](#) or use the [federal child support guidelines and worksheets](#).

There may be other issues that are not addressed in this document that you or the other parent may wish to address, and this *Template* should not be regarded as exhaustive of all the issues that could usefully be in a parenting plan.

Many parents will decide that some of the issues identified in this *Template* do not need to be addressed in their plan, as they have clearly agreed about how to deal with them, or their children are too young (or too old) for them to be relevant. If parents do not consider it pressing or important to address an issue when making their plan, it may be wise to avoid trying to resolve issues that may arise in the future but seem remote. For example, if a plan is being made for a child in Grade 1, it will typically not be useful to address issues about high school attendance. The experience of co-operating in implementing a parenting plan may make it easier to make joint plans in the future, and in any event the future circumstances of the children and parents will affect the plans made.

Many of the options discussed require you and the other parent to co-operate well with one another. Some of the options may not be appropriate for your situation. In particular, if there has been family violence or there are ongoing safety issues for you and your children, options that would require you and the other parent to interact frequently may not work. If you have concerns about safety of yourself or your children, you should consult a lawyer, a local shelter or the police, and may need to seek an order from the court for your protection.

Making a Parenting Plan

All families are different. A parenting plan needs to be individualized to meet the needs of specific children and parents. This *Template* is intended to be used in conjunction with the *AFCC-Ontario Parenting Plan Guide*. This document offers examples of clauses you may want to use or adapt for your parenting plan.

The terms in this *Template* are only examples. Your parenting plan needs to be tailored to meet your child's specific needs. For example, if one or more of your children have any special medical or learning needs that must be taken into consideration, you may wish to create separate parenting schedules or even separate plans for each child. This will allow you to select different options that better reflect your family's and children's specific needs. At the same time, it is important that your plan be simple enough to follow and that you do not create unrealistic expectations for the parents or the children.

If it's likely that there will be conflict between you and the other parent about certain parenting issues, you should think about addressing them in more detail in your plan. This may help to reduce conflict later. On the other hand, only include the details that are really necessary. It's important to remember that you and the other parent will both need to comply with the rules you include in your plan.

Children's needs change over time, especially as they go through different developmental stages, and the circumstances of parents may change, including relating to health, income or new relationships. It's a good idea to recognize that you may need to revisit your parenting plan as the children get older. You may also need to revisit the plan if your children's medical or educational needs change. The last part of this *Template* addresses the issue of future modifications to the plan.

Family Background

A parenting plan should begin by identifying the children and parents to whom it applies, and making a statement that it is intended to have legal effect (assuming that is the expectation of the parents).

SAMPLE PARENTING PLAN BETWEEN [PARENT #A] AND [PARENT #B]

The following Parenting Plan applies to the children of [parent A] and [parent B], being [child #1 full name], born [birth date of child #1] and [child #2 full name], born [birth date of child #2]. This Parenting Plan is a "domestic contract" under the *Family Law Act* (Ontario) and is also intended to have effect in proceedings under the *Divorce Act*. The parties agree that it may be incorporated into a court order.

General Principles

You may wish to include general statements about your parenting relationship and your responsibilities to your child at the beginning of your parenting plan. These statements are meant to provide guiding principles about how both parents should conduct themselves to protect their children from the conflict. The general statements help to keep the focus on the children and can reinforce the importance of children having a good relationship with both parents. To protect the children from adult conflict, the

general statements can also be about ways that you and the other parent will communicate and co-operate with one another about the needs of your children.

Here are some general statements of principle, some or all of which might be recognized or adapted for your parenting plan.

Responsibilities to Our Child

Children of separated parents do best in both the short term and the long run when they feel loved and cared for by both parents. We recognize that this requires that we co-operate, and that we each support our children having a good relationship with the other parent.

We are both responsible for and will contribute to the care and upbringing of our children.

Our children have the right to love and be loved by both parents, without feeling guilt or disapproval.

We agree that we will make decisions that are in the best interests of our children and will put their interests ahead of our own.

We will find an appropriate way to consider our children's views in making our decisions.

We will make it clear to our children that although we're asking for their input, they're not responsible for the decisions or final plans. We are responsible for making these decisions.

Our children and the other parent should know well in advance about important changes that will affect them, such as if one parent is planning to relocate or have a new partner move into their home.

We will keep our children out of our conflict. We will not ask them to pick sides, carry messages, or hear our possible complaints about the other parent.

We agree that we will communicate in a civil manner with each other, and we will not argue in front of the children or involve them in any conflict between us. We will each encourage our children to respect the other parent.

We agree that we will seek counselling services from a mental health professional to assist us in parenting our children post-separation and divorce.

Responsibilities to Each Other

We will both promote our children's relationship with the other parent. We will not speak negatively about the other parent in the presence of the children, and we will encourage our children to spend time with their siblings, the other parent, and their extended family. We will discourage family members and friends from speaking negatively about the other parent in the presence of the children.

We will exchange educational, medical, and extra-curricular information about our children.

We recognize the importance of exchanging contact information (parents' address, telephone numbers, email address), so we can communicate and know about our children.

We recognize that new intimate relationships of either parent may impact our children. We agree that we will carefully consider how to introduce any new partners and possible step-siblings to our children. We will discuss these issues with the other parent before introducing new partners to our children.

Alternative Statement About New Partners

We recognize that new intimate relationships of either parent may impact our children. We agree that we will carefully consider how to introduce any new partners and possible step-siblings to our children. We will discuss these issues with the other parent before there is significant involvement of new partner in the lives of our children (e.g. a vacation with a new partner, cohabitation, remarriage, a pregnancy as a result of a new relationship).

Reviewing this Parenting Plan

We recognize that as our children grow up and as our lives change, we will need to review this parenting plan and adjust it from time to time.

From time to time, we may need to change this parenting plan to reflect our children's changing needs. Any such changes will be discussed as early and as often as required at parent meetings, as well as where appropriate with our children. We expect to review and seek input from our children about this parenting plan as the children become older.

We will use a non-court family dispute resolution process (e.g. mediation) if we are unable to agree to changes needed to the parenting plan. We will avoid unnecessary litigation that places our child in conflict about the parenting plan.

Parenting Time Schedule

The parenting time arrangement (or parenting time schedule) is an important part of a parenting plan. The parenting time schedule that you agree to should be based on an assessment of your children's best interests, as well as the parents' lives, in particular your work schedules. There are several examples below of schedules for school-aged children, but there may be other parenting time arrangements that would work better in your situation. It's important to think about practical issues in developing a parenting time arrangement that is best for your children and realistic for you. For example, work schedules, transportation and how far you live from the other parent will likely affect the parenting time arrangement.

The parenting schedule should be made responsive to the needs and best interests of children; parents may benefit from consulting with a mental health professional or counsellor to help them understand the needs of their children. Parents also should be aware that some parenting arrangements will affect child support obligations and

entitlement to some government benefits. In particular, if a parenting schedule results in a child living with each parent at least 40% of the time, that may result in equal or near equal parenting time for the purposes of the *Child Support Guidelines*, and may affect entitlement to the Canada Child Benefit and the Eligible Dependent Credit for tax purposes.

Sometimes instead of setting out a specific schedule, agreements or orders use language like "reasonable" or "generous" parental time with the children. This leaves it up to parents to decide parenting time arrangements on a flexible, ongoing basis. While this works well in some cases, it can result in disputes and conflict. Many parents find that having a detailed, written parenting time schedule helps ensure that parents are entering into a plan with common expectations and facilitates planning. However, if there is a written schedule and your circumstances change (as they almost inevitably will), you should change the schedule. While there is nothing inappropriate about parents changing their actual schedule without altering the written parenting plan, agreements to changes that are not confirmed in writing may lead to problems later on if there are disputes about parenting or child support.

There are many possible parenting schedules. As discussed in the *AFCC-Ontario Parenting Plan Guide*, the schedule needs to be appropriate for the age of the child and the specific circumstances of the child and parents.

It will be very helpful to read the section of the *Parenting Plan Guide* that considers age appropriate schedules before starting to make a plan. It may be helpful to start with a blank 4 week schedule as you begin to discuss this issue. Many parents use a visual schedule that starts on Monday, which reflects the school week, but some prefer the commonly used Sunday to Saturday calendar.

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------|---------|-----------|----------|--------|----------|--------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Many parents have a “regular” parenting time schedule, and also have some provisions for special arrangements for holidays or the summer. Here are some examples of regular schedules to consider. Think about how much you need this amount of detail in your plan. Some examples of possible schedules are:

Alternating Weekends and One Overnight Per Week with One Parent, Rest with the Other Parent

The child will live with Parent B every second weekend from after school on Friday until the start of school on Monday morning. The child will live with Parent B from after school on Wednesday until school on Thursday. If a child is sick or unable to attend school on the Monday or Thursday when Parent B would take the child to school, Parent B will be responsible for the child’s care until the end of that school day. If there is a school long weekend that includes a Friday, Parent B’s time will start at the end of school on Thursday, or if it includes a Monday will end at the start of school on Tuesday. Parent B will be responsible for picking up and taking the child to school on the relevant days. The child will live with Parent A the rest of the time.

Alternating Weekends and One Evening Per Week with One Parent, Rest with the Other Parent

The child will live with Parent B every second weekend from after school on Friday until Sunday at 4pm and the balance of time with Parent A. Parent B will also pick the child up from school on Wednesday and drop them off at Parent A’s residence at 8pm that evening. On the weekends when the child lives with Parent B, Parent B will pick the child up from school on Friday. If there is a school long weekend when Parent B has the child, Parent B’s time will start at the end of school on Thursday or continue to Monday at 4pm. Parent B will be responsible for picking up the child at school and taking them to Parent A on the relevant days.

Residence with One Parent, Supervised Weekend Time with the Other Parent

The child will live with Parent A. Parent B will have time with the child from 10am to 4pm every second Saturday at the home of B’s parents. One of B’s parents and/or his sister will be responsible for the child and supervising B’s time with them and will pick up and return the child to the home of Parent A at the start and end of the visits.

Equal Time: Alternating Weeks

The child will live alternating weeks with Parent A and Parent B. If the child is living with Parent A in a given week, Parent A or a delegate will pick the child up on Monday after school and drop them off at school the following Monday morning. Parent B or a delegate will do the same the following week.

Equal Time: Split-Week (2-2-5-5) Rotation

Our parenting time schedule is a rotation based on two consecutive days with each parent and then five consecutive days with each parent, with each parent having two uninterrupted weekends a month. The child will live with:

1. Parent A from Monday after school until Wednesday morning before school;
2. Parent B from Wednesday after school until Friday before school;
3. Parent A from Friday after school until the following Wednesday morning before school;
4. Parent B from Wednesday after school until the following Monday morning before school.

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|---------------|----------------|------------------|-----------------|---------------|-----------------|---------------|
| Parent A | Parent A | Parent B | Parent B | Parent A | Parent A | Parent A |
| Parent A | Parent A | Parent B | Parent B | Parent B | Parent B | Parent B |
| Parent A | Parent A | Parent B | Parent B | Parent A | Parent A | Parent A |
| Parent A | Parent A | Parent B | Parent B | Parent B | Parent B | Parent B |

Equal Time: Split Two-Week (2-2-3-2-2-3) Rotation

Our parenting time schedule is a rotation over a two-week period. In each week, the schedule is based on two consecutive days with one parent, then two consecutive days with the other parent, and then three consecutive days with the first parent. With each parent having two weekends. The child will live with:

1. Parent A from 7pm on Sunday until Tuesday before school
2. Parent B from Tuesday after school until Thursday before school
3. Parent A from Thursday after school until 7pm on the Sunday beginning week 2
4. Parent B from 7pm on the Sunday beginning week 2 until Tuesday before school
5. Parent A from Tuesday of week 2 after school until Thursday before school
6. Parent B from Thursday of week 2 after school until 7pm on the following Sunday.

| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|----------|----------|-----------|----------|----------|----------|----------|
| Parent A | Parent A | Parent B | Parent B | Parent A | Parent A | Parent A |
| Parent B | Parent B | Parent A | Parent A | Parent B | Parent B | Parent B |
| Parent A | Parent A | Parent B | Parent B | Parent A | Parent A | Parent A |
| Parent B | Parent B | Parent A | Parent A | Parent B | Parent B | Parent B |

Transfers of Care of the Children

While arrangements for transport of children will often be made based on parental work schedules and logistical factors, if possible the parent who has care prior to the transfer should deliver the child to the other parent. This helps the child get the sense that each parent values the child being with the other parent: one parent is giving over care to the other parent, who is welcoming the child into their home, rather than having the child feel that one parent is taking them away from the other parent. This type of transfer arrangement also helps the child with getting dressed and packed up, which is often harder for children than arriving somewhere.

Drop offs and pickups at the start and end of school or day care may also be easier for the child, and minimize the number of overall transitions between the parents that the child experiences. Some alternatives for transfers are as follows:

Transporting the Child to the Other Parent's Home

When a parent's time with the child begins while the child is in the care of the other parent, the parent who has the care of the child before the transfer is responsible for transporting the child to the other parent's home.

Picking Up the Child from the Other Parent's Home

When a parent's time with the child ends, the parent with whom the child will next be spending time is responsible for transporting the child to their home.

Picking Up the Child from School

When a parent's time with the child begins after school, that parent is responsible for picking the child up at school. When the parent's time ends on a school morning, that parent is responsible for dropping the child off at school and ensuring that the child has what they need for the day at school.

Exchanges in Neutral Settings

Parents will use a neutral place for all transfers of the child at a specified time and *location [fill in time and location]*.

Exchanges in Safe Settings

Parents will use a neutral safe third-party professional to supervise all transfers of the child (e.g. supervised access and exchange programs).

Long Weekends, Vacations and Special Days

There should be consideration of how children will spend their summer, and whether provision should be made for holidays or long weekends (whether resulting from statutory holidays or school based professional development days), and “special days,” like the birthday of a parent or the child.

Christmas Break and New Year's Eve

Regardless of the regular parenting schedule, in even-numbered years the child will be with Parent A from December 24 at 11am to December 25 at 11:00 am and with Parent B from December 25 at 11:00 am to December 26 at 11:00 am, and with Parent B from December 31 at 11am to New Year's Day at 11am. In odd-numbered years this schedule will be reversed.

Possible Added Provision for Christmas School Break to Allow for Travel

It is contemplated that either parent may, from time-to-time, wish to alter the Christmas schedule to take the child on a holiday for up to 10 continuous days. The parties acknowledge that it is intended that if a change in the Christmas schedule is agreed to by the non-requesting party, the requesting party will be expected to reciprocate the following year on the same terms. Where one parent wishes to change the Christmas schedule for a given year, the requesting party will give the other party at least four weeks' notice of the proposed change and they will attempt to resolve the issue directly. In the event they cannot resolve the issue between themselves, they will use the dispute resolution provisions of this Parenting Plan to resolve the issue.

Alternative for Christmas School Break to Allow for Travel

In even numbered years Parent A will have the children from Friday after school at the start of the Christmas break until Saturday in the middle of the break at 4pm. Parent B will have the children for the rest of the break and return the children to school on the first day of school in January. This will be reversed in odd-numbered years.

Holiday Schedule (Jewish)

The holiday schedule will supersede the regular residential schedule. It will be as follows until otherwise agreed to by the parties, or ordered by the Court.

Passover and March School Break

The child will reside with Parent A for the Passover Holiday and March School break, commencing on the last day of school and ending on the morning that school re-commences. The Parent A may travel with the child during the Break. If Parent A chooses to remain in Toronto, she will facilitate one overnight stay with Parent B.

In the event that the child has March Break that does not coincide with Passover, the parents will share the March Break and Breaks in that school year equally with an exchange at 4:00 p.m. on the day in the middle of the break.

Rosh Hashana

In odd-numbered years the child will reside with Parent B on Erev Rosh Hashana from 4:00 pm and is to be returned to the other parent's home the following day at 4:00 pm. The child will reside with Parent A from 4:00 pm on the first day of the holiday to 4:00 pm on the second day. This will be reversed in even-numbered years.

Yom Kippur

In odd-numbered years the child will reside with Parent B on Erev Yom Kippur from 4:00 pm until the next day at 12:00 pm. The child will reside with Parent A from 12:00 pm on Yom Kippur to return to school or the other's parent's home the following day at 12:00 pm. This will be reversed in even-numbered years. The 12:00 pm exchanges will take place at the synagogue or at the other parent's home as agreed.

Sukkot

In odd-numbered years the child will reside with Parent B on Erev Sukkot to a return to Parent A's home the following day at 4:00 pm, and on the second to last evening of the holiday from 4:00 pm until the next day at 4:00 pm. The child will reside with Parent A on Sukkot from 4:00 pm on the first day to a return to school or the other parent's home the following day if there is no school, and on the last evening before the end of the holiday from 4:00 pm to return to school or the other parent's home if there is no school. This will be reversed in even-numbered years.

Christmas School Break (for Jewish Child)

The child will reside with Parent B for the Christmas school break, commencing on the last day of school and ending on the morning that school re-commences. The Parent B may travel with the child during this school break. If Parent B chooses to remain in Toronto, he will facilitate one overnight with the Parent A each week.

In any school year that Parent A does not have March Break in its entirety, the Christmas school break will be shared and the child will reside with Parent B from after school on the last day of school to 7:00 pm on the Saturday in the middle of the vacation, and with Parent A until a return to school at the end of the break.

Muslim Eid holiday

The parties will alternate the Muslim Eid holiday dates every year. For the 2019-2020 school year, the child will be with Parent B for the first Eid (which coincides with the end of Ramadan) from 10 am until 7:30 pm (if he is not otherwise in the Parent B's care) and with Parent A for the second Eid (Haj) from 10 am until 7:30 pm (if he is not otherwise in the Parent A's care). For the 2020-2021 school year, he will be with Parent A for the first Eid and with Parent B for the second Eid. This schedule will alternate every year.

School March Break (No Special Religious Days)

Regardless of the regular parenting schedule, the parents will alternate March breaks from Friday at the end of school until the start of school on the Monday morning after school, with Parent B having the child for the entire March break in odd-numbered years, and Parent A having the child in even-numbered years. The parent with care of the child for March break may travel with the child.

Alternative for March Break

In even-numbered years the Children will reside with Parent B commencing with the Monday (am) and ending on the Friday (pm) of the March school break, which will attach to his regular weekend. In odd-numbered years the children will reside with Parent A.

Alternative for March Break

The child will reside with Parent B for the first half of the March Break, commencing on the last day of school and ending on the Wednesday at 4pm, and Parent A will have the child until school resumes at the end of the March Break morning that school re-commences.

Summer Vacation

Each parent will have the child for three continuous weeks each summer. In even-numbered years, by May 1 Parent A will inform Parent B of the three weeks that they want to spend with the child. In odd-numbered years this will be reversed.

Alternative for Summer Vacation

Each party will have a two week period of uninterrupted time with the Children during July and August, preferably attached to his/her regular weekends. Parent A will have her first choice of weeks in odd-numbered years, and Parent B in even-numbered years. The party with the first choice will advise the other in writing by January 15 annually. The party with the second choice will advise the other in writing by January 22 annually. The balance of the summer school break will follow the regular schedule.

It is also possible to vary the regular schedule for long-weekends, but if parents have a regular schedule that includes alternating weekends with each parent, varying that schedule for long weekends may create situations where one parent has the children three weekends in a row. Most parents find it easier to vary the regular schedule by adding a day, recognizing that over the years the long weekends tend to average out, or just maintain the regular schedule.

The first clause does not vary the schedule, except to make the “weekends long”, and is premised on an alternate weekend schedule. The second example is more detailed and complex, and, without detailed re-scheduling may result in one parent having three weekends in a row despite an alternate weekends regular schedule.

Long Weekends

If there is a long weekend (whether due to a Statutory Holiday or Professional Development Day), the parent with time scheduled for that weekend will have responsibility and care of the children until the start of school on Tuesday, or if the day off from school is a Friday, will be responsible for picking up the child after school on Thursday.

Alternative for Long Weekends

Regardless of the regular schedule, the parents will have the children with them as set out for the following holiday long weekends (except that, for any weekend set out below that takes place during a party's summer vacation with or without the children, that summer vacation schedule will prevail).

- (a) Family Day Weekend: with Parent A in even-numbered years and Parent B in odd-numbered years.
- (b) Easter Weekend: with Parent B in even-numbered years and Parent A in odd-numbered years (from Thursday after school until Tuesday morning when school starts.)
- (c) Victoria Day Weekend: with Parent A in even-numbered years and Parent B in odd-numbered years.
- (d) Canada Day Weekend: with Parent B in even-numbered years and Parent A in odd-numbered years.
- (e) August Civic Holiday Weekend: with Parent A in even-numbered years and Parent B in odd-numbered years.
- (f) Labour Day Weekend: with Parent B in even-numbered years and Parent A in odd-numbered years.
- (g) Thanksgiving Weekend: with Parent A in even-numbered years and Parent B in odd-numbered years.

Hallowe'en

In even-numbered years Parent A will have first right to take the child trick-or-treating if s/he wishes. If Parent A does not wish to take the child trick-or-treating for that year, Parent B will have the option of trick-or-treating with the child. This will be reversed in odd-numbered years.

For all years, if a parent takes the children trick-or-treating when he or she is the non-resident parent, that parent will pick up the children from school on October 31 (or at 3:00 pm from the resident parent, if October 31 falls on a weekend) and return the children to their schools the next morning or, if the next morning falls on a weekend, to the other parent at 10:00 am the following day. The parent who takes the child trick or treating will be responsible for the costume.

Alternative for Hallowe'en

The non-resident parent will have the option of taking the child out for one hour of his/her choice at Hallowe'en. The non-resident parent will give the resident parent two weeks' notice of the hour selected. The resident parent on Hallowe'en will be responsible for the child's costume.

Snow Days and Other Unanticipated School Closures

The resident parent for a given day is responsible for the care of the child whose school is closed that day for a professional activity, a snow day, and any other day when the school closure is otherwise than on account of a long weekend (which days are specifically dealt with under this Parenting Plan).

Where a school closure is both unanticipated and takes place on a "transition day" (*i.e.*, when a child is with one parent for the overnight and then the other parent after school ends the following day), the parent who had the child for the overnight of the transition day will be responsible for the child's care during the closure. This transition day exception will not apply to anticipated closure days (*e.g.* a professional activity day) and in such cases the resident parent for the day of the closure will be responsible for the child with him or her, as set out above.

Parents' Honoured Days

If not otherwise in parent's care, regardless of the regular schedule, the child will spend time with the honoured parent from Saturday at 7:00 p.m. to Sunday at 7:00 p.m. (or a return to school on Monday).

Alternative to Parents' Honoured Days

A parent celebrating his or her birthday when he or she is the non-resident parent will have the option, upon providing two weeks' notice to the resident parent, that he or she wants the child to be with him or her for dinner that day. The celebrating parent will pick the child up after school or at 4pm if not a school day, and will return the child at 8pm.

Some parenting plans make special provision for the birthdays of parents or children, though many do not. While it is understandable that parents want to enjoy celebrations with their children, children often appreciate having "two birthdays" rather than dividing time on their actual date of birth. Further, children may want the opportunity for a party with their friends on their birthday. It is also understandable that parents want their children to celebrate their birthdays, but most children do not necessarily expect this to be on the anniversary of their parent's birth, and variations of a parenting schedule can add complexity, especially if they are in the summer or the festive period in December.

Children's Birthdays

The non-resident parent may take the children out for dinner for up to 2 hours on each child's birthday.

Parents' Birthdays

A parent celebrating his or her birthday when he or she is the non-resident parent will have the option, upon providing three weeks' notice to the resident parent, that he or she wants the child to be with him or her for that day. In such case, the child will be with that parent from 10am on the day of the parent's birthday (if a weekend or holiday) and/or after school (as applicable) until the start of school or 10 am the following day, at which time the regular schedule will resume.

Flexibility in Response to Unexpected Events and “Missed Time”

You should expect that to meet the needs of your children, you will at times likely need to be flexible with the parenting schedule. For example, you may need to reschedule your children's time with one parent if there is an out-of-town sports tournament during their time with the children, but the other parent is responsible for transportation to and from the activity.

There will also inevitably be unexpected personal and family emergencies, such as the death of a close relative, that will require flexibility. A good way to respond to situations when you are asked to be flexible to an unexpected event or emergency faced by the other parent is to think about how you would want them to respond if you were faced with a similar situation or emergency.

Most parents can address missed time issues resolve on a flexible, informal basis as situations arise, and, if appropriate, arrangements can be made for the makeup time at the same time as the variation is being sought, so many parenting plans do not have specific provision for this. However, an example of a clause that could deal with this situation is:

Rescheduling and Make-up Time

If a parent is faced with an unexpected situation such as illness or a death in the family, or an irregular event like a family wedding, the other parent will make every effort to accommodate a request for a change in the schedule. If the change in the schedule results in the children missing considerable time with the accommodating parent, reasonable “make-up time” will be arranged by the parents.

Childcare (Right of First Refusal or Priority for Parental Care)

Some parents agree that if the parent with scheduled time with the child is unable to personally be with child, the other parent should have the first option to provide childcare so they should be contacted before childcare arrangements are made. In many cases, however, these types of arrangements can cause conflict between the parents, so it may be better to have no provision for a “right of first refusal.”

Issues of make-up time or right of first refusal are most likely to be a concern if children have only limited scheduled time with one parent, or there are likely to be absences for a significant period of time. Parents who are co-operating reasonably well can usually deal with these situations without specific provision, but some possible clauses are:

Parent Unable to Provide Care and “Right of First Refusal”

We agree that if childcare is required for more than twenty-four hours, the parent with whom the child is living will notify the other parent and give them the opportunity to spend the period for which childcare is required with the child. If the other parent cannot accommodate the request, the resident parent is

responsible for arranging and paying for alternate childcare and will inform the other party of who will be caring for the children.

Ask other parent when practical

We agree to call the other parent, whenever it is practical, for childcare needs, giving the other parent an opportunity to decide if they can parent during these times.

Residential parent has sole responsibility

We agree that when the children are residing with one parent, that parent will have the sole responsibility for making childcare arrangements.

Persons Authorized to Pick Up and Drop Off the Children

Sometimes one parent is not be able to pick up or drop off the children as scheduled and may arrange for someone else to do this. In most cases, this should not cause problems and it should be the right and responsibility of the parent with care of the children to determine who will do this. But, in some cases, one of you may have concerns about who picks up and drops off your children. If you do, it's a good idea to discuss this issue and decide how you will handle it.

Pick Up and Drop Off

If it is not possible for Parent A or Parent B to pick up or drop off the child as provided for in the parenting time arrangement, the parent who is responsible for the pick up or drop off may delegate another person to pick up or drop off the child.

Alternative for Pick Up and Drop Off

If it is not possible for Parent A or Parent B to pick up or drop off the child as provided for in the parenting time arrangement, the following people may pick up or drop off the child: [insert names of all individuals who may do this].

Children's Personal Items

Children often have favourite clothing, toys, or communication devices that they would like to have with them, wherever they are living. Even if these are gifts from one parent, it is normally appropriate to recognize the child's attachments and rights to personal property . If there is potential for conflict on this issue, it can be important to be clear about where the children may take these items.

Children's Personal Items

We agree that Parent A will transport our child's favourite items to Parent B during the transfers with the child back and forth.

Alternative for Children's Personal Items

The child may take personal items (for example, clothing, toys, sports equipment, cell phone, regardless of which parent purchased these items), between the homes of Parent A and Parent B. We will not restrict the child's ability to take these items between our homes. The parents will each have toiletries, pajamas and as many belongings as possible for the children in their homes. These items will not travel back and forth.

Scheduling Extra-Curricular Activities

In the absence of a provision in a parenting plan or the agreement of the other parent, one parent should not schedule extra-curricular activities during another parent's scheduled time with a child. Scheduling an activity in the other parent's time, without their consent, is very inconsiderate, as it either forces that parent to do something that was not wanted, or results in the child not engaging in that activity, which may be upsetting to the child or disruptive to the organizers of the activity.

Scheduling Extra-curricular Activities

Neither of us will schedule extra-curricular activities during the time the child is to be living with or in the care of the other parent, unless the other parent agrees. The other parent will not unreasonably withhold their agreement.

Alternative for Scheduling Extra-curricular Activities

Each parent may select and pay for one extra-curricular activity that occurs no more than once a week for the child, and the other parent will be expected to take the child to that activity and support the child's participation during the time that the child is in their care.

Extracurricular activities that both parents are not willing to support may also be addressed by a parenting schedule, so that the parent who supports an activity has the care of the child when that activity occurs.

Virtual Time (Telephone, Texting, Video Calls and Other Contact)

Many parents have flexible arrangements about contact by the children with the other parent and do not address the issue of communication in their parenting plan. However, if there is a potential for conflict on this issue, it can be important to set out some ground rules for contact with a parent while the child is with the other parent. When this is not clear, misunderstandings can sometimes arise about one parent "interfering" with the time of the other parent. Examples of possible approaches are provided below.

You need to decide if and how much telephone/texting or other contact will meet the child's needs. For example, some children who are doing well spending time with a parent may become upset just by hearing the other parent's voice on the phone. For other children, this will not be an issue. Think about what will work best for your child.

You may wish to speak with your child about how they like to communicate. Do they prefer to use the telephone, texting, email, video calls (for example, Skype, FaceTime) or other forms of virtual communication? If there is conflict between you and the other parent and the child is old enough, you may wish to consider suggesting a form of communication that the child can use privately on their own.

It is important to remember that the type and length of communication your child can use will depend on many factors, including their age and stage of development. For example, young children may find it difficult to have a conversation by telephone or become bored and restless if the call is more than a few minutes.

Communication with Child

During the regular parenting time schedule, the child may contact each parent whenever they wish.

Alternative for Communication with Child

During the regular parenting time schedule, the child may contact their siblings or step-siblings whenever they wish.

Alternative for Communication with Child

During the regular parenting time schedule, Parent A may call the child between [insert time] and [insert time] when they are with Parent B and Parent B may call the child between [insert time] and [insert time] when they are with Parent A. Calls will normally be no more than 10 minutes.

Social Media

For some parents, the use of social media by the child, and use of pictures or other material about the child on parental social media, are contentious issues that should be addressed in a parenting plan. Other parents can deal with this on a flexible, evolving basis. Some possible clauses to address this issue include:

Social Media

Neither parent will post any pictures on social media of the other parent nor make any derogatory comments about the other parent on social media.

Alternative for Social Media

Each parent may post pictures of their children on social media, which may include pictures of the child with the other parent, but there will be no derogatory comments or embarrassing pictures posted about the other parent on social media.

The parents agree that their child A should not have access to any social media platform until she reaches the age of X years, and thereafter they will both

monitor her social media usage to ensure that it is safe and does not cause embarrassment to either parent.

Time with Other Significant Adults

In most cases, children have relationships with and spend time with other people in their lives, like grandparents or other extended family members, while they're with their parents. But sometimes, parents may decide to include a clause in their parenting plan that specifically provides for contact between the child and another person. For example, this may apply when a person has been very involved in the care of the child, and it's important to the child to maintain that relationship by setting up regular visits. When you're thinking about this type of provision, it's important to keep in mind the child's overall schedule as well as their involvement in activities.

Visits with Specified Persons (Grandparents)

The child will spend from [insert time] to [insert time] the [insert regularly occurring day, e.g. the last Sunday of every month] with [insert name of individual]. [insert name of individual] will be responsible for picking up the child from Parent [insert Parent A or B depending on the parenting time arrangement] and dropping off the child to Parent [insert Parent A or B depending on the parenting time arrangement].

For example: The child will spend from 10am to 4pm the last Sunday of every month with Grandma A. She will be responsible for picking up the child from Parent A and dropping off the child to Parent B.

Time with Half and Step-Siblings

If one or both parents have new partners who have children, the parents should discuss involvement of new partners and family with their children, and may wish to provide for time with step or half-siblings, either in a schedule or with a more general statement such as:

Parent A acknowledges that the children have an important relationship with their half-brother X, who resides with Parent B and his new partner, and Parent A will support that relationship.

Making Decisions About Your Children

You and the other parent need to decide how you will make major decisions about your children. Examples of major decisions that may require the involvement of both parents to implement include decisions about:

- choice of school and other educational issues;
- medical treatment, any special dietary needs, and other health care needs;
- participation in extracurricular activities;
- attendance at religious observances and/or customary cultural events.

You and the other parent may agree to make these major decisions jointly, have them made solely by one parent, or divide different decisions between you. Although it is usually preferable for children if parents consult with each other and make major decisions jointly, sometimes this is not possible when parents have separated (and even when parents live together, joint decision-making about children can sometimes be challenging). As children mature, parents should learn about the views and preferences of children and consider them in making decisions.

In contrast, day-to-day and emergency decisions are usually made by the parent who is with the child at any given time. These include decisions such as homework, bedtime routines, chores, etc. Even for these decisions and routines, it is preferable for parents to consult and communicate with each other, as well as involving their children. While it must be recognized that each parent has the right to set “house rules”, it is helpful for children, especially young children, to have consistency and stability, and for some issues the health of a child may require certain standards of care.

Joint Decision-Making

We will make significant decisions together about our child's education, health care, extracurricular activities, language, and spirituality, and encourage input from children. If we cannot come to an agreement about a major decision, we will use the dispute resolution process set out in this document.

Parents Consult, with One Having Final Responsibility

Parent A will make decisions about our child's education, health care, extracurricular activities, language, spirituality and any other major decisions, after consulting with Parent B and the child.

Parents Consult, with Division of Responsibility

Parent A will make major decisions about our child's education and extracurricular activities, after consulting with Parent B and the child. Parent B will make major decisions about our child's health care, language, and spirituality, after consulting with Parent A and the child.

Sole decision making

Parent A will make major decisions about our child's education, health care, and religion, culture, language, spirituality and/or cultural events and any other major decisions, and keep Parent B informed of those decisions.

Day-to-Day Decisions

During the period when our child is living with or in the care of a parent, that parent can make day-to-day decisions about our child, for example about, doing homework, meals, visiting with their friends, use of computer, etc.

Emergency Decisions

In a health emergency, the parent with care of our child at that time will make the treatment decision, on the advice of medical personnel. If a parent makes an emergency health decision, the parent who has made the decision must immediately contact the other parent.

Medical Emergency Decisions or Death of a Parent

In the event of a parent's medical emergency, the other parent will assume the major decision-making responsibilities of our child until the situation becomes resolved.

In the event of the death of one parent, the other parent will care for our child, but the surviving parent will ensure that our child has continued relations with the relatives of the deceased parent.

Sharing Information and Communicating About the Children

Good communication is important for a positive co-parenting relationship and allowing both parents to best meet the needs of the children. It's important to set ground rules about what information you will share with each other about the children and how this will be done. It's also a good idea to decide how you will discuss parenting issues that come up from time to time.

Information About the Children

We agree to share information with each other on a regular basis about our child's welfare, including their education and school work, medical needs, health and dental care, counselling, extra-curricular activities and other important issues.

We agree that we may both ask for and be given information directly from the child's teachers, other school officials, health care providers (including both doctors and dentists), and any other person or institution involved with the child. Each parent will sign all necessary consents for the other parent to receive such information.

We agree to use a communication binder to share information that is pertinent to the child. We agree that we will transfer the log book with the child during these times.

We agree that we will use a mutually agreed technological calendaring schedule (like ourfamilywizard.com, with any fee to be split equally) to communicate and schedule events.

Communicating About the children

We agree that we will speak [indicate when or how often] by phone to discuss any issue related to the parenting of our child. In addition, we will communicate with each other by email or text message as needed.

Alternative for Communicating About the Children

We agree that we will meet every four months to discuss how our child is doing, and make plans for the coming months. In addition, we will communicate with each other by email as needed.

Exchange of Contact Information

We each agree that we will provide to the other parent our telephone number(s), email address, and home address. We also agree that if this contact information changes, we will provide the new contact information to the other parent immediately.

Attendance at Parent-Teacher Meetings

We agree that it is in the child's interests that we both attend parent-teacher meetings together.

Alternative for Attendance at Parent-Teacher Meetings

We agree that we will each arrange our own parent-teacher meetings.

Alternative for Attendance at Parent-Teacher Meetings

We agree that Parent A will attend all parent-teacher meetings and will advise Parent B of the child's progress.

We agree that both parents will be provided with separate report cards for the child. We agree that we will notify the school authorities to provide separate report cards.

Attendance at Child-Related Events

We agree that both parents may attend school events and extra-curricular activities.

Alternative for Attendance at child-related events

We agree that the parent with whom the child is residing at the time of the school event and extracurricular activity will be the sole parent to attend these events.

Medical & Dental Appointments

There are many other decisions and arrangements that you will need to make for your children, including who will take the children to different appointments with doctors, dentists or counsellors.

Many parents address these issues on an ongoing and informal basis. If you think, however, that these issues may result in conflict between you and the other parent, you should be clear about the issues in your parenting plan. It may also be helpful to consult with a counsellor, mediator, parenting co-ordinator or other family justice professional to assist during times of conflict.

Medical Appointments

The parents will jointly make decisions about medical and dental care, and Parent A will have primary responsibility for making medical and dental appointments and taking the child to these appointments, and will keep Parent B informed of all diagnosis and treatment.

Alternative for Medical Appointments

The parents will jointly make decisions about medical and dental care, and Parent A will have primary responsibility for making medical and dental appointments. The parents will each take the child to any appointments that fall within their parenting time, regardless of who made the appointment.

Alternative for Medical Appointments

Parent A will be responsible for taking the child to all appointments with a family doctor, and Parent B will be responsible for taking the child to all other dental and health care appointments (for example, counselling, physiotherapy).

It is also important for parents to discuss and agree to issues of payment for medical and dental treatment, including payment for prescription drugs. In some cases, parents may have insurance from an employer that covers some expenses, which may affect which parent takes the child to some appointments or purchases medication. Issues related to payment may be addressed in a parenting plan, or in a Separation Agreement as part of the arrangements for child support.

Buying Clothes and Sports Equipment

Children's clothing, sports equipment and toys will need to be purchased.

Many parents address these issues on an ongoing and informal basis. If one parent is paying child support to the other under a Separation Agreement or Court Order, it will often be expected that the recipient of child support will have the primary responsibility for paying for major purchases for the child, such as winter clothing, perhaps with the agreement or order specifying how some expenses, such as extracurricular activities, are allocated. If the parents have a "shared custody" arrangement under the *Child*

Support Guidelines, with roughly equal parenting time, it may be more important to address responsibilities for significant expenditures in the parenting plan.

Major Purchases for Children

Parent A will be responsible for making major clothing and sports equipment purchases for the child including winter clothes and boots, rain gear, and shoes. Parent A will pay for these from child support payments received. Each parent may choose to supplement the basic needs of the child by making gifts of clothing or other items to the child; any such gifts will become the property of the child, who may take them back and forth or leave them where the child chooses. Both parents will ensure that outdoor clothing and sports equipment travels back and forth with the child.

Alternative for Major Purchases for Children

Parent A will be responsible for making major clothing and sports equipment purchases for the child, including winter clothes and boots, rain gear, and shoes. Parent A will pay for these and keep track of these expenses, and every six months, seek reimbursement from Parent B for half of these expenses (providing receipts.) Both parents will ensure that outdoor clothing and sports equipment travels back and forth with the child.

Religion, Culture and Ethnicity

For some parents, their religious, cultural or ethnic heritage are very important, and they want to share their faith, culture or language with their children, while for other parents these may be less significant issues. If the parents have different faiths, cultural or ethnic identities that are important to them, addressing these issues may be especially important but challenging. Some possible clauses to deal with these issues are:

Religious Observance

The parents will each educate and expose the children to their own religion and cultural heritage as they see fit. Each parent will promote the children's respect for the religion and cultural heritage of the other parent, but neither will be expected to take the child to religious or cultural observances of the other parent.

Alternative for Religious Observance

Even though Parent A is not Catholic, the parents agree that the child will have First Communion in the Catholic Church, and that the child will continue to be raised in the Catholic faith by Parent B until the child reaches an age of maturity and makes her own decisions about religion and faith observance.

Alternative for Religious Observance

Even though Parent A is not an observant Jew, the parents agree that the child will be raised in the Orthodox Jewish Faith, and both parents will ensure that the dietary and other life rules of that faith are followed by the child until the child reaches the age of 15 years, when he may make his own decisions about faith observance. Both parents will support the child having instruction in the Hebrew language.

Ethnic Heritage

The parents acknowledge that Parent A identifies as Afro-Canadian while Parent B does not. The parents agree that the child may be identified at school or for other purposes as Afro-Canadian and Parent B will ensure that he is aware of and proud of this heritage.

Indigenous Heritage

If one or both parents have Indigenous identity, status, heritage, language, traditions or culture, there may be specific issues related to be addressed in a Parenting Plan. These might relate to involvement and attendance at community events. If the parents have different band status registration, they may want to address the child's registration in their Parenting Plan.

Indigenous Heritage

The parents acknowledge that Parent A is a member of the Tyendinaga Mohawk Nation and that the child is a registered member of that Nation. The parents agree that the child may be identified at school or for other purposes as a member of that Nation. Parent B will ensure that the child is proud of this heritage. The parents also acknowledge that Parent B is of Italian heritage, and Parent A will ensure that the child is proud this heritage.

Special Needs

Both parents should understand the health, mental health and special needs of their children and preferably should agree upon appropriate interventions involving doctors, therapists, treatment providers, and special education services. While this will require flexibility and good communication, it may be useful to set out some terms in a Parenting Plan for one or more children with special needs.

There may need to be provisions about testing, assessment, diagnosis, treatment and interventions. This will require decision-making, making of plans and implementation. There should also be consideration of costs and insurance issues, either in the Parenting Plan, or in a Separation Agreement or Court Order.

Special Needs of Child 2

Both parents acknowledge that Child 2 has a Learning Disability. After consulting with Parent B, Parent A will make decisions about his education and addressing his Learning Disability, including about possible medication. Parent A will keep Parent B informed about assessments and interventions, and Parent B will support the implementation of any plan made by Parent A related to the child's Learning Disability.

Documents

There are important documents related to your children such as health cards, immunization records, SIN cards, birth certificates and passports. It's important to decide who will obtain and be responsible for keeping these documents secure.

Documents

Parent A will keep the passport issued in the child's name, his SIN card, and his birth certificate [insert any other relevant documents] at their home, and these documents will be made available to Parent B as needed. Both parents will have copies of all of the important documents.

Passports

When parents are separated or divorced, Canadian Passport officials have rules about which parents' signatures are needed on passport applications. Unless both parents apply to-gether, they will usually want a copy of a parenting plan or court order to make sure that the parent who applies has the legal right to apply and that there are no restrictions on travel. You can help avoid delays in getting a passport for your children if you include a clause that sets out which of you must consent on the passport application.

Please note that in the second option below, Canadian Passport officials will only issue a passport to one parent alone if the child lives with that parent the majority of the time.

Passports

Parent A and Parent B must both consent for the purposes of a passport application for [insert child's name].

Alternative for Passports

Parent A can apply for the passport of [insert child's name] without the consent of Parent B.

Vacations and Travel

When one parent plans to travel with the children, especially on a long or faraway trip, it's important to give the other parent notice so they know:

- where the children are;
- how to contact the children while they're away; and
- when the children are returning.

The Government of Canada strongly recommends that children travelling across international borders carry a consent letter proving they have permission to travel from every person with the legal right to make major decisions on their behalf, if that person is not with them on the trip. You may wish to include a provision in your parenting plan that deals with consent letters. You may also wish to use the government [recommended consent letters for children travelling abroad](#).

Vacations and Travel

If Parent A or Parent B plans a vacation with the child, that parent will give the other parent at least 30 days' notice before the planned trip, providing the flight information, the trip itinerary, as well as contact information for the child during the trip.

Alternative for Travel

Where Parent A or Parent B plans international travel with the child, that parent will prepare, for the signature of the other parent, a consent letter proving that the child has permission to travel. The other parent will not unreasonably refuse to sign the consent letter.

Restrictions on Travel

Sometimes, a parent may be concerned about letting the child leave the province or country. This may happen, for example, where one parent is worried that the other parent might try to take the child to live in another country. If you are concerned that the other parent may try to take your child to another country without your consent, it's very important that you speak with a family law lawyer to make sure your parenting plan protects your child.

You should note that placing a restriction on your child's travel can affect passport applications. If your parenting plan says that the children cannot be removed from a certain province or territory (Option 1 below), passport officials may decide not to issue a passport. You would have to make a new agreement or obtain a court order that allows the child to travel. In cases where you and the other parent decide that the child cannot be removed from the country (or a city, province or territory) without the consent of both parents (Option 2 below), you may both need to sign the passport application. If you don't, passport officials might not issue a passport.

Option 1:[insert child's name] cannot be removed from Ontario [or Canada].

Option 2: [insert child's name] cannot be removed from Ontario [or Canada] without the written consent of both parents.

Option 3: [insert child's name] can only be taken from Ontario [or Canada] with the permission of both parents, and no permission will be given for a trip of more than ___ days. The parents both agree that for the purposes of the *Divorce Act* and the *Hague Convention on Child Abduction*, the child's habitual residence will remain Ontario, and that this will only be changed with permission of a court order or the explicit agreement of both parents.

Local Moves

For those governed by the *Divorce Act*, as of July 1, 2020 the legislation will require either parent to give the other notice of any change of residence, though this requirement may be waived by a court if there are family violence concerns. If you or the other parent moves within a local area, this will affect your parenting arrangement. For example, the other parent needs to know where to pick up and drop off the child. You may also want to give this information to extended family members. Your parenting plan can include provisions to make sure you and the other parent exchange address and contact information.

Local Moves

If either parent proposes to change their residence within the city of [insert city], at least 60 days before the move, they will provide the other parent with the new address, telephone number and the date of the move.

Alternative for *Local Moves*

If either parent proposes to change their residence within the city of [insert city], at least 60 days before the move, they will provide the other parent and the children's grandparents with the new address, telephone number and the date of the move.

Relocation

Moves of even relatively short distances can have a significant impact on children and their relationship with their parents, especially if children are going back and forth between the homes on their own, or the parents rely on public transit for moving the child. Relocation is defined in the *Divorce Act* as a change in the residence of a parent or child that is "likely to have a significant impact on the child's relationship" with a parent.

The *Divorce Act*, which governs cases where legally married parents are getting a divorce or have already divorced, has provisions regarding relocation, and that generally require a parent who plans to move to give 60 days' written notice to the other parent through a form available on the Department of Justice Canada website.

Even if you don't anticipate either parent relocating, circumstances may change for either parent and this can be a contentious issue if not addressed in a parenting plan.

Relocation

Neither parent may change their place of residence more than X kilometers from their present location within the city of [insert city], without providing the other parent with 60 days' notice of the proposed move and obtaining the written consent of the other parent or a court order to allow the move. The notice must include the location of the proposed new place of residence, the date of the proposed move, and, if necessary, a proposal for modification of the parenting time arrangement.

Alternative for Relocation

Parent A, with whom the children have their primary residence, may change the children's place of residence from the city of [insert city], but will not move the children more than one hour's drive from the present location. If Parent A proposes to change the child's place of residence, they must provide Parent B with 60 days' notice of the proposed move. The notice must include the address of the proposed new place of residence, the date of the proposed move, and if necessary a proposed parenting time arrangement.

If Parent A and Parent B cannot agree on revised parenting arrangements that may result from one parent relocating, they will use the family dispute resolution process set out in this document to resolve all issues with respect to the proposed move.

Parents who live in a large urban area may want to be precise about the area where they will both continue to reside, as a move within that area may affect travel times for schools and employment. It is, for example, preferable to avoid saying that both parents will continue to reside in the "Greater Toronto Area," but rather to say that both will continue to reside in Scarborough.

Reviewing, Monitoring and Changing the Parenting Plan

It is likely that as your children grow older, their needs and your circumstances will change, so you may have to make changes to your parenting plan. As children grow older, their views should be considered in reviewing the parenting plan.

If you're considering making significant changes, especially related to the child's living arrangements or child support, it's advisable to discuss the issues and show your draft amended parenting plan to a lawyer before you sign it to ensure that you understand your legal rights and responsibilities. This is particularly important if the terms of your

parenting plan are a part of a formal Separation Agreement or have been included in a Court Order, as those documents should be updated to make the changes legally enforceable.

First Parenting Plan Review

To make sure your parenting plan is working for your child and is practical for you and the other parent, you may want to include a provision for a “first review.” This would set a time for you to meet to discuss the parenting plan and how it's working. If your child is older, you should consider how to seek the input of your child about whether the parenting plan is meeting their needs. If you want to include a provision for a first review, it's important to allow enough time to try out the parenting arrangement first. For example, you may decide to meet after three months, and then annually or more often if issues arise.

Natural breaks in the year are often good times to start or end a new arrangement. For example, the end of the school year, the end of the summer or major school breaks are good times to make changes.

Plan Review

This plan will be reviewed on [insert date]. At this time, Parent A and Parent B will discuss the parenting plan and negotiate any changes that they agree are appropriate.

Regular Parent Meetings

Children need different things from you at different ages and stages of development, and their schedules will change as they grow older. This is especially true as children become more involved in activities. The younger your child at the time that you make the initial plan, the more you can expect that their needs will change and you will need to adjust your parenting plan. Think about whether your parenting plan should include a provision that you and the other parent meet regularly to look at the parenting plan and how it's working for your children.

Parent Meetings

Parent A and Parent B agree that they will meet [insert time period, e.g. annually, twice a year, three times a year], before the end of [insert a month or months, if applicable], to discuss the parenting plan. Prior to this meeting, each parent will review the parenting plan and bring a written list of issues for discussion to the meeting.

If Parent A and Parent B are unable to agree to changes to the parenting plan within 30 days of the [insert time period] meeting, they will use the dispute resolution method set out in this document.

Unanticipated Changes

Sometimes, you may have changes in your life that you didn't expect when you wrote your parenting plan. Even if you decide to hold regular meetings with the other parent, issues may come up between meetings. For example, if one of you has a new work schedule, you may need to change your parenting plan. It's a good idea to decide how you will address these types of changes.

Unanticipated Changes

If the circumstances of the child change, including the ability of Parent A or Parent B to meet the child's needs, we agree to the following process to amend the parenting plan: the parent who proposes a change to the parenting plan will advise the other parent in writing of the proposed change, and we will discuss the proposed change and attempt to come to an agreement to resolve the issue. If it is not possible to come to an agreement within 30 days [or some other time period], we will use the family dispute resolution process set out in this document to resolve the issue.

Family Dispute Resolution

An important reason for developing a parenting plan is to limit future conflicts. But things you weren't expecting can happen and can affect your parenting plan. Sometimes, you and the other parent may not be able to agree on how to handle these issues. Also, if your parenting plan provides that you will make some decisions jointly, you may not always be able to agree on every issue.

It's valuable to include a provision in your parenting plan that says how you will resolve disputes. For example, you may agree that before you make a court application to have a judge resolve a disagreement, you will try a type of non-court family dispute resolution process. An example of a clause to address this is provided below. While this example talks about mediation, you may wish to try other types of family dispute resolution, like collaborative law, arbitration, parenting co-ordination, or consultation with a respected community member. You may also wish to set out how you will divide the costs of the family dispute resolution process between you.

Family Dispute Resolution

If there is a future dispute between us that we cannot resolve on our own, we agree that we will ask [name a respected community member] to decide.

Alternative for Family Dispute Resolution

If there is a future dispute between us that we cannot resolve by negotiating on our own or with the assistance of lawyers, we agree that we will enter into mediation before we seek to have the issue resolved in court.

Costs of Mediation

The parents will share the costs of the mediation equally.

Parent A will pay [choose percentage] and Parent B will pay [choose percentage] percent of the costs of the mediation.

Signing and Witness of Signatures

Both for purposes of clarity and to help ensure legal enforceability, each parent should sign the Parenting Plan, and each signature should be witnessed. If professionals like lawyers have been involved in assisting the parents in making a parenting plan agreement, they would normally be the witnesses.

APPENDIX – EXAMPLE OF A PARENTING PLAN

Each parenting plan should be a unique, individually negotiated and drafted document, and reflect the need and circumstances of the specific parents and children. The following is NOT intended to be a precedent, but it is just one example of a plan, provided to illustrate how different parts of a parenting plan might relate to one another. There are issues that some parents might want to address that are not included, while others might decide that not all of these issues need to be addressed in their plan.

It is made by two parents who have children aged 6 and 9 years at the time that the parents made the agreement. Both parents were involved in the care of their children before separation, though the mother had a somewhat larger role in their care, and took 1 year maternity leaves after the birth of each child. Both are employed full time, with the mother's employment responsibilities including teaching a college class on Wednesday evenings. The children both attend the same school.

The parents are both Catholic, and Christmas is a major family holiday for them.

The parents separated four months before they completed this plan. They have agreed to have parenting time schedule based on the interim arrangements that they have developed, which takes account of some extracurricular activities and the work schedules of the two parents. It gives significant parenting time to each parent, but more nights and responsibilities to the mother. In their Separation Agreement, the parents have agreed that the Father, who has a higher income, will pay child support to the Mother.

Parenting Plan

January 10, 2020

INTRODUCTION

1. The following Parenting Plan applies to the children of Justin Jones and Sari Smith, who are Melissa (August 31, 2010) and David (born December 13, 2013.) This Parenting Plan is intended to be a domestic contract under the *Family Law Act* (Ontario) and is also intended to have effect in proceedings under the *Divorce Act*. The parties agree that it may be incorporated into a court order.
2. The parents are committed to this Parenting Plan, and will share in the parenting of their children, This Plan does not address child support obligations or other legal issues, which will be resolved separately.
3. This Plan sets out how we will share our parenting rights and responsibilities, starting with the principles that will guide our co-parenting of our children. The Plan addresses two major issues:
 - (i) how major child-related decisions are to be made; and
 - (ii) the time the Children will spend with each parent, including both a regular and holiday schedule.
4. Our Parenting Plan also deals with a number of other issues related to our co-parenting arrangement, including parental communication, what to do if changes are required, (e.g. telephone contact with the Children, extra-curricular activities, residential moves, etc.).
5. We are committed to the spirit of the Parenting Plan, which recognizes the Children's need for positive and ongoing relationships with both parents. Our primary goal is to ensure smooth implementation of a Parenting Plan, and to maximize healthy development of our children.
6. We recognize all possible changes in the circumstances of our children and ourselves cannot be foreseen when this Plan is being made. Our Children will mature and change, as will their needs. The parents may change residence (as per the terms in this Plan) or employment, or repartner, possibly precipitating new living arrangements and new family dynamics. The Parenting Plan, including the parenting time schedule may require revision over time, always considering the Children's developmental and emotional needs as the primary objective.
7. In the event there is a disagreement between the parents with respect to parenting arrangements or the Parenting Plan, or a future change in the Parenting Plan, the parents will follow the procedures for resolving disputes set out below regarding

Future Dispute Resolution, with an emphasis on resolving disputes in a child-focused way and without resort to the courts.

8. For clarity, in this Parenting Plan, when the Children are in the care of Mother, she will be referred to as the “resident parent,” and when the Children are in the care of Father, he will be referred to as the “resident parent.” The term “non-resident” may refer to either parent, as the context requires.

PARENTING PRINCIPLES

1. The parents will use their best efforts to parent cooperatively, keeping the Children’s best interests at the forefront. Their needs will be paramount when addressing child-related issues and concerns.
2. The parents will support the Parenting Plan in all ways. The parents will recognize the Children’s needs for positive and ongoing relationships with the other parent and make every effort to facilitate the relationships of the Children with the other parent and each parent’s extended family.
3. Neither parent will denigrate or disparage the other parent or members of their extended family, either overtly or covertly, in any communication with the Children or in their presence. Each parent will advise others, including their extended families and friends, to maintain the same standards, refraining from criticizing the other parent to or in front of the Children.
4. The parents will not speak with the Children directly or indirectly about any issues related to child or spousal support, property and financial issues between them.
5. The parents will not ask the Children to relay information between them and they will not be “letter carriers,” but rather the parents will communicate directly with one another about issues related to this Plan or other contentious issues. The parents will not communicate with each other about parenting or other issues about their relationship at transition times, joint activities or special events, except to address immediate childcare issues.
6. The parents will be polite and respectful to each other at all times, especially when the Children are present or nearby. In the presence of the Children or in public places, the parents will greet each other cordially. The parents will not discuss contentious issues in front of the Children. If one party considers that a discussion is not courteous, they will discontinue the conversation and will take the issue up at a different time.

7. The parents will respect each other's privacy and towards that end will refrain from initiating discussion or questioning the Children about the other parent's personal lives and activities.
8. The parents will not interfere directly or indirectly into the lives, activities, or routines of the Children when they are with the other party. Unless required otherwise in the Parenting Plan or in any court order or arbitration award or in the absence of these, without the consent of the other party, neither parent will schedule activities during the Children's time with the other parent.
9. The parents will make every reasonable effort to ensure that the Children attend special occasions involving their extended family (e.g., special birthdays and anniversaries). While it is understood that this may not always be feasible, where possible the parents will schedule these occasions when the parents know the Children will be resident with them.
10. Where possible, access exchanges will take place at the Children's school. When the school is not open, the Children will normally be picked up and dropped off at Mother's home by Father or a person designated by him.
11. The parents will advise each other about any significant changes in their intimate adult relationship before telling the Children (including but not limited to: travel with children and a new partner, cohabitation, re-marriage, new baby).

PARENTAL COMMUNICATION

1. The Children have one life and two homes. They will reap benefits from knowing that both of the parents know about and are involved in their significant life events, whether those are positive or negative. In an effort to foster consistency, predictability, stability and continuity of care for the Children, the parents will communicate regularly regarding their routines, activities and experiences. For now, and until the parents agree otherwise, the parents may communicate by email, text, telephone or in-person. For time sensitive matters, when Melissa or David is ill or during emergencies, the parents will communicate by text or telephone.
2. Under regular circumstances, each parent will respond to communication within 24 hours. If the parents become aware or anticipate that the parents will not be able to do so, the parents will let the other party know. If a reply to a question and/or a request for a change requires more time than the agreed to response time of every 24 hours, the parents will advise that the requested information cannot reasonably be ascertained by then and advise when a response can be expected.

3. When Melissa or David is ill or is residing with either parent for uninterrupted vacation time, the resident parent will provide text or telephone updates and, if requested to do so, will facilitate a skype or facetime call.
4. All communications, written or otherwise, will be child-focused, cordial, and to the point about the Children. The parents will remain courteous and polite in communications with each other at all times. In addition, the parents will refrain from including information that reflects the personal opinions and feelings about the other party and concentrate on deciding what is in the Children's best interests. Any concerns or questions are permitted and will be presented neutrally without blame or criticism. There will be mutual respect for differences in parenting style/ approach between the homes.

REGULAR SCHEDULE

1. Until otherwise agreed to by the parents or ordered by the Court, we agree that our regular schedule will continue, as set out below:

| Week | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|------|--------|---------------------|-----------|--------------------|--------|----------|--------|
| 1 | Mother | Father (to 8pm) | Father | Mother | Father | Father | Father |
| 2 | Mother | Mother | Father | Father (to 8pm) | Mother | Mother | Mother |
| 3 | Mother | Father (to 8pm) | Father | Mother | Father | Father | Father |
| 4 | Mother | Mother | Father | Father (to 8pm) | Mother | Mother | Mother |

2. The resident parent will be responsible for taking the children to school and bringing them home, arranging for after school transport and activities as he/she thinks appropriate.
3. If Melissa or David is ill in the morning and cannot attend school, the resident parent will contact the other party as soon as possible. Unless mutually agreed to otherwise, the ill child will remain in the care of the parent who had care of the child in the morning. If it is a transition day, the ill child will be taken to the home of the other parent by the resident parent at the time that school normally ends.
4. If the school calls and asks that Melissa or David be picked up early, the party reached by the day school will contact the other party to advise. Unless mutually

agreed to otherwise, the party who is scheduled to get the Children from school that day will pick up the Children from school and assume care as per the regular or holiday schedule.

HOLIDAY SCHEDULE

The holiday schedule will supersede the regular residential schedule. It will be as set out below until otherwise agreed to by the parties or ordered by the Court.

1. Christmas and New Years – In even-numbered years the Children will reside with Father from December 24 (pick up at 11:00 a.m.) to December 25 at 11:00 a.m. The Children will reside with Mother from December 25 at 11:00 a.m. to December 26 at 11:00 a.m. The balance of the Christmas School Break will be shared equally with Mother having the first half in odd-numbered years. The exchange will take place on the Saturday in the middle of the break at 11:00 a.m. In even-numbered years the reverse is true.
2. March Break – Commencing in March 2020, in even-numbered years the Children will reside with Father commencing with the Monday (am) and ending on the Friday (pm) of the school break and will attach to his/her regular weekend. In odd-numbered years the children will reside with Mother.
3. Summer Break – Summer commences on the Friday after the last day of school and ends on the Sunday before the return to school. Each party will have a two-week period of uninterrupted time with the Children during July and August, preferably attached to his/her regular weekend. Mother will have her first choice of weeks in odd-numbered years, and Father in even-numbered years. The party with the first choice will advise the other in writing by January 15 annually. The party with the second choice will advise the other in writing by January 22 annually. The balance of the summer school break will follow the regular schedule.
4. Statutory Holidays / Long Weekends / PA Days – The resident parent will have the additional 24 hours added to his/her regular weekend. The non-resident parent will have 3 hours time on the Easter weekend and Thanksgiving weekend to celebrate a holiday meal with the Children. This statutory holiday provision will not apply during the summer if the Children are with either parent for his/her uninterrupted summer vacation time.
5. Children’s Birthdays – The non-resident parent may take the children out for dinner for up to 2 hours on each child’s birthday.

RIGHT OF FIRST REFUSAL

When the parents cannot be available to care for the Children during the regular or holiday scheduled time for one overnight or longer, the other party will be given the “right of first refusal” to care for the Children prior to any other person providing childcare. If the other party cannot accommodate the request, the resident parent is

responsible for arranging and paying for alternate childcare and will inform the other party of who will be caring for the Children.

CHANGES TO SCHEDULE

1. This applies when either parent would like to have the Children for a special occasion when the scheduling of this occasion is out of their control. The parents recognize the importance of the Children being able to celebrate special occasions with family and good friends (e.g. family weddings, birthdays, special anniversaries, etc.) and every effort will be made for them to attend.
2. The parents will communicate by email about a request for a change or modification to the regular or holiday schedule when the need for a change arises and with as much notice as possible. A response will be provided as soon as possible and in any event within 24 hours of receiving the notice. If a definite answer cannot be given within that time, the parent will advise when they expect to be able to respond about whether or not the change is agreeable. Important requests will not be denied (e.g. a wedding or funeral).
3. Neither parent will make plans for the Children when they are scheduled to be with the other parent, without first having the consent of the other parent. In addition, the parents will canvas proposed changes to the schedule first with the other parent, and prior to mentioning anything to the Children about a change or a special activity.
4. Either parent may make an urgent request for assistance from the other if he/she or the Children are ill, or if an urgent situation arises. Each parent will use his/her best efforts to accommodate such a request.
5. In emergencies or for unforeseen circumstances (e.g., illness, inclement weather), significant changes in the drop-off and return times will be communicated to the other party by text, email and telephone as soon as these changes become known to the parent having to make them.

EXTRA-CURRICULAR ACTIVITIES & LESSONS

1. The Children's preferences regarding activities and lessons will be considered and given age-appropriate weight. Either parent may enroll the Children on his/her time with the children. The parent enrolling a child in an activity will be responsible for any expenses associated with the activity, unless the parents agree otherwise. Neither parent will enroll the Children in any activities that extend to the other parent's time with the children, absent the written consent of the other parent.
2. The parents will provide full information about any and all activities to the other parent, within a reasonable time of the Children being enrolled in same.

3. The parents will encourage the Children to fully participate in their activities and lessons. It is understood that they will attend these activities reasonably consistently and the resident parent is responsible for transportation to and from the activities. The resident parent will decide when from time to time the Children will not attend because of illness or other special circumstances.
4. Both parents and any guests may attend “public events” related to extracurricular activities (e.g., games, recitals, performances, etc.). The parents will remain cordial and not discuss child-related arrangements or any contentious issues at that time and will require any of their guests to also remain cordial to the other parent.

THE CHILDREN’S CLOTHING AND BELONGINGS

1. The parents will each have toiletries, pajamas and as many belongings as possible for the Children in their homes. These items will not travel back and forth.
2. Mother will send one extra set of clothing in the Children’s backpack, which will be returned clean. The parents will ensure that any clothing, electronic devices or toys that move between the two homes rotates freely and is returned promptly.
3. Mother will have responsibility for the purchase of winter and other expensive clothing and footwear, and this clothing will move back and forth between the homes.

SOCIAL MEDIA

The parents will protect the privacy and safety of the Children and each other by limiting their exposure on social media as follows:

- (1) If pictures are posted on Facebook, the posting parent will not identify the other parent;
- (2) The privacy settings will be adjusted so that only family / close friends can view the photographs of the Children or other parent;
- (3) Family members and friends will be asked to comply with the above terms; and
- (4) Neither parent will post on any social media any comments about the other parent or any disputes between the parents.

SKYPE, TELEPHONE AND TEXT/EMAIL ACCESS

1. The parents acknowledge that Skype and telephone communication are alternate forms of access that can be beneficial for the children. The parents also recognize that the children may be unwilling to spend more than 5 or 10 minutes on any call.
2. Mother will provide each child with a cellphone that has text capabilities and an email address by their 12th birthday. Until that time, each child may text or email Father from Mother's account. Mother will pay all costs related to each cellphone.

DECISION-MAKING

The parents will jointly make decisions regarding the Children, in accordance with the provisions of this Parenting Plan. However, if they cannot agree, after consulting with Father, Mother may make the final decision about issues affecting the children's medical treatment and education.

General Medical and Health Care

1. The children's healthcare professionals will be: Dr. Norad (family doctor) and Dr. Kay (dentist). These professionals may be changed with notice from Mother to Father.
2. Mother will provide Father with the names, addresses and phone numbers of any additional professionals providing health care to the children (e.g., psychologists, social workers, counselors, dentists, physicians, occupational therapists, orthodontists, osteopath etc.).
3. The parents will both sign any consent forms required for the children to receive health care treatment.
4. The parents will each provide the other parent with copies of any medical or professional reports and records the parents have pertaining to the children. Either parent may obtain reports directly from any professionals associated with the child. If required by that professional, the parents will sign all necessary consents for the other parent to receive such information.
5. Mother will arrange and attend medical and dental appointments with the children.

Daily Health Decisions

1. The resident parent will make day-to-day decisions. The resident parent will advise the other of the diagnosis and treatment plan when a child is ill.

2. Timely updates within 24 hours by e-mail or text will be provided by Mother regarding the outcome of all medical or other healthcare appointments.
3. Mother will keep the children's health cards and vaccination records, and will provide Father with photocopies.
4. The original health card will accompany the Children when they travel outside the City of Toronto.

Major Medical and Health

1. Every effort will be made to notify the other parent by email and telephone at the time of an emergency visit by a child to a physician, specialist or hospital, as soon as it is feasible to do so. Both parents will make emergency decisions together, unless, after a concerted effort, one parent cannot be reached, in which case the present parent may make emergency decisions in consultation with the medical professionals.
2. Mother will notify Father of any potential major medical decisions, as well as provide Father with the name and number of the attending health care professionals.
3. Together or separately, the parents may consult with the health care professionals. The parents will use their best efforts to make mutually agreeable decisions in consultation with the treating health care professionals. In the event the parents cannot agree, Mother will make the final decision.

Religion

The children will be raised Catholic.

Education

1. The children will continue to attend George Frank Junior School.
2. The parents will each contact the school and provide their name and contact information. The school will have the names and contact information for both parents to call in case of an emergency. The parents will notify one another of any changes to the contact information.
3. The parents may attend parent-teacher meetings together or separately.
4. School calendars are available from the school. Both parents have the right to make inquiries and to be given information from the school about any issues arising with

respect to the children's education. Both parents will be entitled to receive directly from the school, copies of report cards and any other documents. It is each parent's responsibility to stay up to date on any relevant educational matters (e.g., professional activity days, special events, field trips, concerts, parent-teacher meetings, etc.). Each parent will make their own arrangements with the school directly to receive all the notices, newsletters, report cards, etc.

5. Mother will notify Father of any potential major educational decisions (e.g., program, school class placement, psycho-educational testing, remedial assistance, enrichment, speech therapy, tutoring, etc.), and provide Father with the names and numbers of the involved professionals. Together or separately, the parents will consult with the educational professionals. The parents use their best efforts to make mutually agreeable decisions in consultation with the professionals. In the event the parents cannot agree, Mother will make the final decision.

TRAVEL

1. When a parent travels without the children, that parent will provide a reliable telephone number to the resident parent in case of a child-related emergency or if the children want to contact the traveling parent.
2. With notice in writing, the parents may travel with the children during their regular or holiday scheduled time with them. Proposed travel that would involve changes to the regular or holiday schedule requires the consent of the other parent.
3. The parents agree to sign a travel consent letter for the authorities and the parents will each have a notarized copy of this letter. In addition, the parents will provide full itinerary information (i.e., dates of departure and return, location, accommodation name and address, flight or train number) to the other parent at least 30 days before the departure.
4. The travelling parent will arrange for travel health insurance for the Children when travelling outside of Canada.
5. Parent A will be the keeper of the Children's Canadian passports and birth certificates and will provide photocopies to Parent B. She will ensure the passports are current and have at least six (6) months remaining in the expiry period. She will obtain passports for the Children, without the signed consent of Parent B, and will provide him with the passports to facilitate his travel with the children.

RESIDENTIAL AND JURISDICTIONAL MOVES

1. A parent planning to move residences will give at least 60 days written notice to the other parent prior to any residential move.
2. The parents agree that their two residences should be reasonably close to facilitate effective implementation of the parenting arrangements. Neither parent will move their permanent residence more than 15 km from the other parent's current residence without the other's written consent or court order.
3. The parents agree that the Children will not be relocated outside the Greater Toronto Area without the agreement of both parents or a Court Order.

NO CHANGE OF NAME

Neither parent will take any action to change the name of either child without the written consent of the other parent.

FUTURE DISPUTE RESOLUTION

1. In the event of a dispute about our parenting plan that we are unable to resolve on our own or with the assistance of lawyers, we agree to participate in mediation before resorting to the court.
2. The mediator will be Fauzia Singh, and if she is unwilling or unable to serve, such other mediator as agreed to by the parents.
3. The fees for the mediator will be shared equally.

EVIDENCE OF THE AGREEMENT OF THE PARENTS

The parents have each signed this Agreement at Toronto, Ontario on the 10th day of January 2020 in the presence of a witness.

June Flower (witness)

Justin Jones

Bill Barnes (witness)

Sari Smith