



# Parenting Plan Guide



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These materials are not intended to provide legal or other professional advice, and neither the AFCC-Ontario, the members of the Task Force have any liability to users. The AFCC-Ontario gratefully acknowledges financial support from the Law Foundation of Ontario for the preparation and translation of these materials; the Law Foundation has no responsibility for content.

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 who have separated or never lived together, and offers guidance for their making of plans to raise their children. 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 2021 version of the *Guide* and *Template* are a revision of materials prepared by the AFCC-Ontario in 2020. The present materials reflect the 2021 amendments to the *Divorce Act* and *Children's Law Reform*. However, the major themes and approaches are consistent with the 2020 materials. These materials are the product of a collaborative effort by many members of the AFCC-Ontario and other professionals. Significant reliance was placed on materials from Justice Canada. The AFCC-O gratefully acknowledges financial support from the Law Foundation of Ontario for the preparation of these materials.

The statements in these materials that summarize the social science research reflect the considered views of the Task Force Members. As with similar materials, the *Guide* does not provide an exhaustive discussion of issues addressed and does not include citations. Interested readers should consult the large, published literature on child development and post-separation parenting in peer-reviewed social science journals.

The drafters of these materials appreciate the growing diversity of the Canadian population and broad range of familial relationships and norms in this country. Most Canadians have multiple intersecting identities that may be based on gender, sexual orientation, ethnicity, culture, race, religion, language, age and class, which help shape varying norms and structures. In drafting these materials, we have tried to reflect the changing landscape of the Canadian family life, though we acknowledge that these materials do not reflect the full diversity of the country.

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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 and time with their child/ren, including addressing such matters as:

- when the children will spend time with each parent (i.e. parenting time);
- how the parents will make major and day-to-day decisions about their children;
- how information is shared and communicated between parents;
- how other related issues may be addressed, such as involvement of a new partner with the children; and
- how future disagreements about the child/ren 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 child/ren 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 parental behaviour so that each parent can support their child's relationship with the other parent. 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 that the parents have voluntarily made may be incorporated into a Separation Agreement or Court Order. This will give the parenting plan legal significance and may make it enforceable by a court.

## Limits to Co-Parenting: Violence and Serious Wellness Issues

The *Divorce Act* and Ontario legislation expect parents to use non-court family dispute resolution processes, including negotiation, mediation and collaborative family law, to resolve disputes, *to the extent it is appropriate to do so*. **While co-operation between parents and voluntary 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.**

It is especially important for those who have been victims of violence or abuse perpetrated by an intimate partner to have legal assistance. [Legal Aid Ontario provides some free legal assistance for victims of family violence to help them understand their position and obtain legal protections.](#)

### 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 case, 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 their parenting plan is how to involve their children in the development of a plan. 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. It is important not to draw children into parental disputes or ask children to “choose sides.” However, parents should be aware that their children’s views and preferences are important factors when deciding about their care, and, particularly as children become older, children should be consulted as plans are being made and revised.

If the parents have different perspectives on their children’s views, it may be helpful to involve an independent professional who can meet with the child to explore their views and share this information with the parents.

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, 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 agencies may require a formal written agreement or Court Order if they are to provide reports or comply with the plan in other ways, and will 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 assistance from mediators, counsellors, therapists or advice from 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 available 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 accordingly. It is often useful for children to try out different arrangements, and then seek their views before making definite plans. While children’s experiences and opinions are valuable in this process, it does not put them in the position to make the final decision.

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 intended to be a temporary or interim 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 future 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 jointly consult a mediator or a parenting coordinator, or to speak to their lawyers. In some circumstances, it may be appropriate to seek advice from a mental health professional or other expert before modifying a plan.

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 Separation Agreement or Court Order, 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 to one of “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. It is important for parents to be aware of their children’s experience with their parents’ separation, and to ensure that their children are adequately supported throughout the process.

**W**hile 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 safe, and that a positive relationship as a co-parent is best for their children.



The *Divorce Act* and Ontario legislation require parents to act in the best interests of children. This includes expecting parents, to the best of their abilities, to protect their children from conflict that may arise from separation or divorce. It also includes an expectation that parents will support the child’s relationship with the other parent, unless inappropriate to do so (e.g. family violence concerns).

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 where parents have separated:

- Children 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 the amount of 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, and should be permitted to bring personal possessions back and forth between homes, regardless of which parent purchased them.
- 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 during exchanges. Family justice professionals also commonly 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 in the presence of the child or within their earshot.
- 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, such as in 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 children before separation, or the other parent has never lived with the child, the more involved 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. The parent with less or no prior involvement will also have made efforts to gain the necessary parenting skills and knowledge. While the parent who has had primary care may feel concerned about giving care of “my children” to another person, it is important that the primary caregiver allows the other parents to have time alone with the child to allow their relationship to develop, unless there are legitimate concerns about the other parent's capacity to care for “their children”.

Transitions, by their nature, can be difficult for children. Many children struggle when they are required to interrupt an activity or to leave a parent. This difficulty can be further magnified if children are also exposed to conflict between their parents. It is not unusual for children to appear distressed or to show sadness or anxiety at transition times. It often helps for the transitions to take place at school, daycare or camp. If this is not an option, it may be better if the parent who has care before an exchange takes the children to the other parent. This signals parental support for the transition and lessens the children'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](#).

## **COMMUNICATIONS – “B.I.F.F.”**

Some separated parents are able to maintain warm and friendly relations with each other, but for many, their relationship is likely to be strained, especially in the period following the separation. Even if parents have a good relationship, there will be disagreements. Despite disagreements, and especially if parents have a strained relationship, it is important for children that their parents communicate effectively and respectfully.

Often much communication between separated co-parents is by email, text or other electronic communication. There is a lot of information available to help co-parents communicate effectively. One central theme is to focus communications on the specific matters at issue and avoid negative comments about the other person. It may be helpful for parents to see themselves as partners working together. Their communications

should reflect the common goal of moving forward with their child rearing with minimal conflict. A helpful slogan is that such communications should be “B.I.F.F.”: Brief, Informative, Friendly and Firm.” If the other party is making derogatory comments, it is not helpful to “respond in kind.” Instead, each parent should use their best efforts to “take the high road”. Consider how the other parent may feel and react before sending a text or email. One way to think about communications with the other parent is to imagine how a judge might later view the exchanges. Would a judge view your emails as cranking things up and focused on the other parent, or calming them down and child-focused?

## **AGE APPROPRIATE PLANS AND SCHEDULES**

Canadian law does *not* start with a presumption that there will be equal parenting time, or any other particular parenting schedule. 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, rather than presuming that a plan like one based on equal parenting time, is appropriate for any specific child.

The use of plans based on roughly equal parenting time is becoming more common in Canada, and some children benefit from such arrangements. Other children experience these equal parenting time schedules as disruptive or uncomfortable. Some children are deeply affected by the continuous exposure to parental conflict that such arrangements may intensify. Equal parenting time is rarely appropriate if:

- there is a high level of parental conflict, or the parents communicate poorly;
- the parents do not live close to one another;
- the parents were not each significantly and actively engaged in the care of the children before the plan is put into place;
- the children are pre-school-age and primarily attached to one parent; or
- the children are older and do not support this arrangement.

Further, whatever the initial plan, the needs of children and circumstances of parents change as children grow older and plans for their care generally need to be modified if they are to remain developmentally appropriate. As will be discussed, in some cases it may be appropriate for children to start spending most time in the care of one parent, and over time the plan may evolve towards equal parenting time.

The discussion that 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 -- generally 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. A mediator may be able to help parents make a workable

schedule if they are unable to agree. Failing that, an arbitrator or a judge may resolve the issues needed to make a parenting plan.

## 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 many families, while the parents were living together, both parents may have had roughly the same level and time of parenting involvement, either right from birth or as parental roles evolved as children grew older. In some families, extended family members may play an important role in childrearing and decision making for the children.



The fact that one parent may have provided more care before separation and a child may be more closely attached to that parent may well have initial significance in making an initial post-separation parenting plan. However, it is important to recognize that regardless of prior parenting arrangements, and 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 after separation. 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 their children’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 been less involved in childcare would in any event have expected to be more involved as the child grows older. Separation may also 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 children may need an opportunity to begin a caregiving role without a prior history of care. As discussed below, it may be appropriate to have an evolving parenting plan that is based on an expected increase in care over time by the parent who has been less involved before separation, or not involved at all, as that parent’s relationship with the children strengthens over time (often called a “step-up plan” for parenting 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. This will require fairly regular revisions, as children's needs evolve quickly in the first few years of life. 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 with one another about the changes that they observe in their children, and be prepared to review the plans previously made.

Each family needs to consider the age, temperament, previous caretaking arrangements, and the children's relationships with each parent, as well as specific needs, such as whether the children have special needs related to a physical condition, or a neurodevelopmental disability (e.g. a learning disability or autism). Most important is that parents are able to communicate about their children on a regular basis. Parents must share information so that children's experience, as they transition between parents, is as smooth as possible. It is especially important for parents to communicate about changes in health conditions or recent incidents that may have upset their children.

## **Siblings**

Siblings are usually good emotional supports for one another, and keeping them together in a parenting schedule often provides them with 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 child at a particular point in time.

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 schedule for that child 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. Knowing the views and experiences of children may be especially helpful if parents are considering different schedules for siblings.

## **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 familiar, reliable caregivers and to trust



that their needs will be met by these adults. These early interpersonal experiences become a blueprint for their future relationships.

A caretakers' consistency, sensitivity, and capacity to respond to an infant's needs helps the child develop the ability to self-soothe, trust others, and explore their world to learn from it. It is important that infants are not stressed by absences from known, warm, responsive and predictable caregivers. Caregivers must be emotionally available and have the necessary skills and knowledge, such as the ability to notice signs of hunger and fatigue, mirror the baby's efforts to make contact, respond to the baby's smiles and babbles or gestures, and have knowledge of developmentally appropriate play.



It is now widely accepted that infants can build strong relationships with more than one caregiver. While it is clear that responsive, warm and consistent 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 positive relationships to more than one caregiver, provided that each caregiver can provide “good enough parenting”. In fact, having multiple strong relationships is a protective factor. These relationships build through frequency of contact and quality of interactions.

Many mothers want to follow the recommendations of the World Health Organization for breastfeeding 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 breastfeeding with the mother. The non-breastfeeding 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 breastfeed (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 infant's primary caregiver in this period (perhaps a breastfeeding mother) and the parents separate or did not live together after the infant 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 infant 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 takes the long-term view in promoting



healthy child development by supporting the other parent's relationship with "their child," unless there are legitimate concerns about the other parent's capacity to care for the infant.

The process of developing parenting skills and connection with an infant may start with regular short parenting time 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 infant 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 infant, 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 and may become difficult to soothe during transitions. A third party familiar with the child may be helpful to transition the infant if parents are unable to do so without conflict.

To develop healthy relationships 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 parenting time with a non-residential parent may be appropriate, preferably in surroundings familiar to the infant, if that parent has become an actively involved caregiver. Before having sole care or an overnight, the infant should be comfortable with that 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 digital, 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, 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 for children of this age. 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 experience with childcare 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, and 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 sensitivity to the child, as well as the baby'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 childcare 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 strengthen 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 younger infants, a communication log is essential. This log, whether hand-written or digital, 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 between 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 try to explore their environment, though usually returning to their caregivers for comfort and support. 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. If separations are too long, toddlers may show less independence or less interest in exploring their environment or may exhibit behavioral problems.

Toddlers are sensitive to arguments between caregivers, and they become distressed when their parents argue.

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. At this age, transitions are easier if the parent with care of the child gets the child ready and takes the child to the other parent. Alternatively, transitions that occur at neutral locations, such as the child’s daycare, may decrease levels of distress often associated with transitions.

**Schedules for toddlers, 18 to 36 months:** If parents have fully shared in the caretaking arrangements before the child has reached this age and the child has an easy temperament, 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 there are older siblings, they are often part of the security system for toddlers and they should normally be on the same parenting schedule.

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 parenting time, 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 might have 2 or 3 daytime contacts a week (starting at 1 to 2 hours and working up to 4 to 6 hours) to give that parent the opportunity to develop a relationship and the parenting skills. If the child does not show distress in the care of that parent, parenting time 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 parenting time 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 digital 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 develop and demonstrate agency. 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 egocentric nature, 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 a 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 gradually increase the involvement 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 a child has trouble adapting to transitions, or one parent has less time available for childcare 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 Saturday 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 parenting time, 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 "2-2-3" schedule, with care transition starting in the morning (e.g at 9 or 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 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 daycare 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 daycare.

## Early School Age Children: 6 to 9 Years

Six to nine-year old children engage with more people outside of the family and benefit from 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 parents who may still be hostile towards one another. 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 some input in the parenting plan.

If both parents have had a substantially equal role in parenting and separation occurs when a child is in this stage of development, it will normally be appropriate for them to have roughly equal parenting time with their children of this age, provided that this is logistically feasible for them. This will normally involve children spending 2 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 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. It is important that the parenting schedule is focused on the child's needs and involvement in activities, rather than the parents' willingness or ability to facilitate that participation. In other words, it is generally not desirable for a child to stop participating in an activity because it does not "fit" into the parent's schedule, though it is also important to recognize that the resources and energy of parents will be stretched after separation.

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

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
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 with midweek parenting time. The mid-week parenting time, 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 parenting time schedule.

Even if parents have been equally involved in childcare 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 parenting time 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.

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.



If there is a high level of conflict, and one or both parents are not supporting the child's relationship with the other parent, this is an age where some children may strongly identify with one parent. Parents need to be particularly mindful of their own behaviour, as it may unintentionally impact the quality of the relationship between the child and their other parent. It is not unusual for children of high conflict parents in this age range to align with one parent and start to resist or refuse contact with the other parent. It is important that the parent whom the child favours ensure the child continues to follow the agreed upon schedule unless there is an agreement or order for variation. In extreme cases, one parent may engage in implicit and/or explicit attitudes and behaviours that undermine the parent-child relationship. This can include denigrating the other parent, interfering with the child's relationship with the other parent and/or restricting the time the child spends with the other parent. In such cases intervention by competent mental health professionals and the courts may be needed.

**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 they should generally have frequent contact with both parents. Where possible, this should include overnights or dinners during the school week and some weekends with each parent.

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.

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 in this age range 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 resistance to contact or alienation and should generally be respected.

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 their own identity, separate from the family, while maintaining a healthy connection to their 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 communicate with each other how they will discuss issues like birth control, sexual orientation and gender identity with their children. 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. For some families it may be helpful to seek guidance from a mental health professional with experience with child development and family dynamics after separation and divorce so that the parents can both help their children through adolescence, which is a period when some children may challenge the behavioural expectations of parents, teachers, or start to develop unhealthy patterns of behaviour.

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 show better adjustment 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, their 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 or unhealthy 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 adjustment and preferences, while also recognizing the adolescent's need for unstructured time. Alternating weeks, with or without mid-week parenting time 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, and 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, and should not view the child's assertion of independence and preference for spending more time in one home as a rejection.

## **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.

While older adolescents often emphasize their need for independence, and often have intense but changeable feelings, there is value in consistency, support and meaningful time with both parents. As teens reach age 16 years, they need to have 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.

Parents should remain flexible while maintaining age-appropriate expectations 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.

Parents should be aware that older children need to be consulted, informed and involved when they are making parenting plans. The older the child, the more weight should be given to their views and opinions. Giving older children an opportunity to be part of the decision-making process is important to their self-esteem and development. Many teenagers want to assert their independence, and they may “demand” changes in a parenting schedule, or other parental rules. Parents need to respond to such “demands” with both realism and respect for their child’s development. In the context of separation, children wanting to spend more time in one place does not mean that they are rejecting either parent.

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 some provision for some celebratory days.

### *Long weekends and PA 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 they may decide to equalize the statutory holidays over the course of one year. However, this needs to be done with some care, or it will 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.

### *School holiday periods*

There are a variety of options that parents may wish to consider for one or two week school breaks (e.g. winter break, March or Passover 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 the break by exchanging the children at the halfway point. For example, the exchange could occur on the Wednesday in the middle of a week long school break so that each parent can have 5 days with the children including a weekend.

Dividing the winter school break can be a challenge for those families who celebrate Christmas. One common arrangement is for one parent to have care of the children from the afternoon of Christmas Eve to Christmas mid-day, and the other will have care of the children for Christmas afternoon and Boxing Day. This may be alternated in an “even or odd” year arrangement. Typically, the balance of the Winter school break (which is approximately two weeks) is shared equally, with an exchange in the middle of the break. Another option is to divide the Winter break into the first week and the second week, without a special provision for Christmas or the New Year, perhaps on an alternating year basis, so that each parent has the children every second Christmas or New Year period.

### *Summer*

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 or lose their subsidy.

### *Religious holidays and other special days*

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.

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 an aunt or uncle to pick up the child, but that relative's 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 always need to be prepared to be flexible. There will inevitably be unexpected personal and family emergencies, such as 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 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 make-up time occurs?

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

Many children want to keep in contact with one parent while in the care of the other parent, 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. Ground rules will also help to ensure that virtual parenting time is not left to children to navigate on their own. Younger children are unlikely to have the time management skills and technical skills to arrange this type of contact, and they may feel guilt or sadness in the aftermath of having “forgotten” to call. Adolescents are more likely to enjoy greater independence in reaching out to each parent as it suits their schedule and needs.



**T**he 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.



Parents should decide together if and how much telephone/texting or other contact will meet the child's needs. Decision-making should be guided by the parents' ability to support younger children using technology, safety and privacy of both the child and parents, as well as by the child's functioning and wishes. 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 or seeing them on a video-call. 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. Successful virtual parenting time with younger children is often relatively short, perhaps 5 to 10 minutes, that might be extended if the child continues to be engaged in the call.

## 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 the other parent's privacy. 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 influence 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 children is unable to personally be with the children, the other parent should have the first option to provide care for the children, 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 this type of arrangement to be intrusive and can cause conflict, and therefore prefer to let the parent with scheduled time have the responsibility and right to make childcare decisions on "their time". This type of clause is more likely to be appropriate if one or both of the parents are likely to often have absences that will prevent them from caring for the children themselves, for example due to overnight business trips.

### **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 children "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 children and another person. For example, this may apply when a person has been very involved in the care of the children, and it is important to the children to maintain that relationship by setting up regular contact.

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. However, it is also important to recognize that each child may benefit from one-on-one time with each parent.

## **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 sporting 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.

It is preferable for children if their parents can be civil and attend some events together. However, it is important to be realistic, and if there may be unpleasantness or a confrontation, 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 charges. If these items are considered to belong to a child, the child should be permitted to take that item along, regardless of which parent bought them or

is paying charges. Both parents need to respect the child's connection 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 connection to the pet, as well as a child's connection to the pet.

## **DECISION-MAKING RESPONSIBILITIES**

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.

### **“Significant” Decisions**

Typically, the “significant” decisions include:

- choice of school and educational needs, such as psychological or psychoeducational testing, remediation, enrichment, tutoring, or special class placement;
- medical treatment, including any dental care, 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, spirituality, and cultural or ethnic heritage, and the languages that they will learn.

Parents may agree to make these major decisions jointly, have them made by one parent after consulting the other, 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 a 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 occurs during the parenting time of both parents. The implications of implementing decisions should be considered when a plan is made about the decision-making process.

As children mature, they typically become more involved in the decision-making process. For example, older children often expect to be involved in choice of school and activities, and their consent may be required for medical treatment.

### **“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 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 bedtime, sleeping and diet.



## Emergencies

In a medical emergency, 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

Parenting Plans do not typically address child support arrangements, and legal advice regarding child support is beyond the scope of this Guide. Parents are, however, encouraged to inform themselves or seek advice regarding child support and the sharing of expenses for children to assist them in the implementation of their Parenting Plan. Specifically, in addition to understanding and addressing what child support obligations each parent may have to the other, parents may wish to address issues such as 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 while others choose to implement a more formal arrangement, often as part of a comprehensive Separation Agreement. The latter arrangement provides certainty for both parents and may be particularly important if there is likely to be conflict over financial issues or the paying of expenses for the children.

## 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 Ontario's *Children's Law Reform Act*, parents are presumptively entitled to obtain information about their children's health, education and well-being directly from any person or agency likely to have such information, 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 which professionals may require.

Parents should also be aware that older children may have the legal right to seek confidential treatment or counselling without either parent being informed. As a result, parents may wish to include provisions in their parenting plan that specify that a parent's right to access information is subject to their child's right to confidentiality.

## **Extracurricular Activities**

It is valuable for children to participate in extracurricular activities, to the extent consistent with the children's interests and abilities, and the resources of the parents. If possible, parents should develop a joint plan for deciding which extracurricular activities the children 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 during the other parent's time without that parent's consent may be unfair to both the other parent and the child.

## **Religion, Spirituality, Culture, Language and Ethnicity**

The *Divorce Act* and provincial legislation recognize that for many parents their religion, spirituality, culture, language and ethnicity are very important, and it will promote their children's best interests if they can share their faith and heritage with their children, though for other parents these may be less significant 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 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:

- which method of transportation they will be using, including specific details such as flight number and other similar details;
- where the children are going and staying, including specific addresses;
- how to contact the children while they are 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 and renewals. 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. However, a Separation Agreement, or Court Order may specify that the one parent alone can obtain a passport without the other parent's consent; the child must live with that parent the majority of the time. Parents should consult Passport Canada about their requirements, as this office is generally quite strict about wanting clear documentation to allow one parent to obtain a passport.

## Restrictions on Travel

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

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 decide that they will not issue a passport for the child.

## 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 children'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, employment or relocation. 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 children'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 will require modifications 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 give prior notice to the other parent, because it can affect the parenting arrangement and other arrangements such as school and extracurricular activities. The *Divorce Act* and the *Children's Law Reform Act* generally require each parent to give the other parent [written notice](#) of a local change in residence, providing the new address and contact information, and the date of the move, and the federal government has a [form that can be used for this purpose](#).

## 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.

**C**ourts 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.



The *Divorce Act* and Ontario legislation define “relocation” as a move with a child that will have a “significant impact on the child’s relationship” with the other parent. A person who plans to relocate with the child is required to give 60 days’ [written notice](#) to the other parent of the intended move. This may give the parents time to discuss issues related to the relocation. If the other parent objects to the relocation with the child, the parent who wishes to relocate with a child is expected to obtain a Court Order before moving with the child.

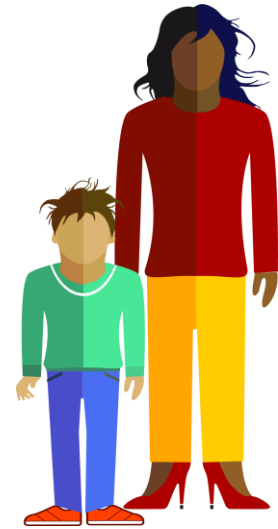
If a parent plans to relocate, parents should be discussing such issues as changes in parenting schedules, communications, arrangements and cost sharing to allow a child to maintain a strong relationship with both parents. It is generally desirable for parents to resolve these issues by discussion or

mediation, but they can go to court if they cannot be resolved. A significant factor in a court hearing will be whether the parent seeking to relocate with the child has been supportive of the relationship with the other parent and has a good plan for maintaining that relationship despite the move.

## **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 family law, parenting coordination or arbitration, or consultation with a respected community member or parenting coach 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 a 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 childcare 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 where they attend school, but they should also generally 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 other parent, but also to send regular updates about the child's school performance, activities and development. When these types of contacts occur, it would be beneficial for the child to have adequate privacy to meaningfully engage with the other parent (unless supervision is considered necessary due to safety concerns).

## 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 the internet 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. When in doubt, consultation with a health professional is highly recommended. 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.

## Family Violence

In some families, there has been violence between the parents. Violence between the spouses, even if not seen or heard by the child, exposes a child to emotional risk, and parents who are violent towards their partners may also abuse their children. 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. Additionally, such parenting plans should include a counselling or treatment plan for the child to address the adverse effects of the family violence on the children.

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 is especially important for those who have been victims of violence to obtain legal assistance. [Legal Aid Ontario provides some free legal assistance](#) for victims of family violence to help them understand their position and rights, including related to domestic violence and immigration status. If parents are involved in criminal, child protection or other proceedings that raise family violence issues, this may affect participation in mediation or other family dispute resolution processes, and may limit the contents of a parenting plan.

It should, however, also 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.



### **Immigration Status and Intersectional Vulnerability**

In some families one or both parents may be immigrants, refugees or in Canada without immigration status. These parents, and their children, often face economic, social and emotional stresses. In some cases, there is trauma, perhaps reflecting experiences before coming to Canada, and there is also the potential for family violence or abuse that may be occurring in Canada. In some cases, community members or relatives may be pressuring vulnerable parents, especially mothers, to stay in relationships that may be abusive.

Parents in these cases often have “intersectional vulnerability,” facing complex, interacting disadvantages or discrimination due to race, gender, economic position, immigration status and other factors that make them especially vulnerable in trying to make post-separation parenting plans and economic arrangements. It is especially important for vulnerable parents facing intersectional challenges to have appropriate supports when making parenting plans, from agencies like domestic violence shelters and organizations that support newcomers to Canada, as well as from lawyers. [Legal Aid Ontario provides some free legal assistance](#) for victims of family violence to help them understand their position and rights, including related to domestic violence and immigration status.

Parents who are immigrants, refugees or lack immigration status often have ties with other countries. Plans about parenting for these families may require consideration not only of Canadian law, but also of international treaties, particularly when making



provisions about travel or relocation. Parents and service providers are urged to exercise caution and to obtain professional and legal advice before finalizing agreements. These issues are beyond the scope of this Guide.

## **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 resumed. In many cases, it will be beneficial to proactively plan for a relapse, with provisions to address the affected parent's responsibility to communicate the relapse and the arrangements that will be in place to ensure the children's safety (e.g. supervisory arrangements, switch to virtual parenting time, temporary suspension of contact) while the parent takes steps to address their situation. Parents should also consider whether their children may benefit from psycho-educational programs to assist them in understanding the issue their parent is experiencing; in many situations, this may be an important element of safety planning.

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. It should, however, also be appreciated that even if a parent has substance abuse or mental health issues, if those are properly addressed, in the long-term children will often want and benefit from a relationship with that parent.

## **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 the 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 ON PARENTING PLANS

[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 a [government-supported web-site](#).

### **access (or visitation time)**

this was the term used prior to March 2021 under the *Divorce Act* and provincial legislation to describe the time or right of a parent without “custody” (or primary care) of a child to spend time with the child; an access parent was also entitled to request and receive information about the health, education and welfare of the child. Although the terms “access” and “visitation rights” continue to be used in some jurisdictions, it is preferable to use the terms parenting time and parenting schedules.

### **alienation**

See parental alienation and parental alienating behaviours below

### **alternative dispute resolution (ADR)**

See family dispute resolution below

### **arbitration**

both parents agree that they will allow a neutral person—the arbitrator--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; arbitrators are often family lawyers or experienced mental health professionals.

### **assessment (or court-ordered parenting plan evaluation)**

a process in which 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 will likely observe the children interact with each of the parents, as well as interview parents; depending on the assessor’s qualifications, there may be psychological testing as part of this process. In Ontario, assessments are undertaken under the *Children’s Law Reform Act* s. 30, and are paid for by the parents.

### **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 of the child;
- 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 ability to care for the child;
- 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 *Family Law 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. [There is information on the internet about determination of child support under the \*Guidelines\*.](#)

### ***Children's Law Reform Act (CLRA)***

The Ontario law that deals with post-separation parenting. It applies to parents who were not married couples, and can apply to married parents who have separated but are not getting divorced. Its provisions are identical to those that apply to parents who were married and are divorcing, but the *CLRA* has some added provisions that deal with procedural issues for all parenting cases, for example to allow the court to order an assessment.

**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 in the *Divorce Act* and *Children's Law Reform 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 or regularly communicate with the 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.

**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**

the term traditionally used to describe the right 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." The concept evolved to include arrangements for joint custody, shared custody and split custody. Although orders and agreements made prior to March 2021 continue to use this term, present legislation uses more child-focused and nuanced concepts like parenting time and decision-making responsibility.

## decision-making responsibility

Parental decision-making responsibility means the responsibility for making important decisions about their children's well-being. This includes decisions about their children's:

- health care
- education
- culture, language, religion or spirituality
- significant extra-curricular activities

Important decisions can be made in a number of different ways, including:

- *Joint decision-making responsibility*: The parents will consult each other and make the decisions together.
- *Consultative decision-making responsibility*: One parent will be responsible for final decisions, but must consult the other before making a decision, and must inform the other parent of the decision.
- *Sole decision-making responsibility*: One parent makes the decisions and informs the other.
- *Divided (parallel) decision-making responsibility*: The parents divide responsibility for decisions (for example, one parent will make decisions about health and religion, and the other parent is responsible for other decisions, for example, on education).

## **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. There were significant amendments to the parenting provisions of the *Divorce Act* that came into effect March 1, 2021 (Bill C-78).

## family dispute resolution

This refers to various ways of resolving disputes rather than having a judge make a plan for the parents. There are a number of different types of dispute resolution that occur outside of the courts, including: negotiation, parenting co-ordination, collaborative law, and arbitration. Mediation is a form of dispute resolution that occurs outside the courtroom, but 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.

The term “alternative dispute resolution” (ADR) is also used to refer to resolution outside of court as in mediation, collaborative law, parenting co-ordination or arbitration.

**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**

refers to the behaviours and attitudes of a caregiver that either facilitates and supports a child's relationship with the other parent, or restricts and **limits the role of the other parent**. While facilitative and supportive gatekeeping strategies are preferred for building healthy co-parenting and parent-child relationships, limiting the child's contact with a parent due to concerns of abuse or neglect may be necessary to be a "protective gatekeeper."

**good enough parenting**

a term used to describe a parent who is able to keep their child physically safe, and, most of the time, is able to meet their child's emotional needs. Good enough parenting emphasizes the notion that parents do not need to be perfect, and also do not expect perfection from their children or from the other parent.

**intersectionality**

a term used to describe three aspects of lived experience: a reference to personal identities such as race, class, gender, age, ability, sexual orientation, ethnicity and culture; the social structures of oppression that impact these identities; and how these identities and social structures intersect and interact.

**joint parenting (formerly known as joint custody)**

both parents have shared legal responsibility for 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 family 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)**

an office of the Ontario government that may become involved in a parenting dispute at the request of the court and can undertake an assessment (called a "clinical investigation"), prepare a Voice of the Child Report, or appoint a lawyer for the child (sometimes assisted by a clinician). 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. The Office is staffed with both lawyers and clinicians, and maintains a panel of lawyers and clinicians in private practice across the province who provide these services to children and families on behalf of the Office.

**parental alienating behaviours**

refers to a set of behaviours and strategies that are meant to denigrate, limit and/or interfere with the child's relationship with the other parent or the extended family members. These behaviours and strategies may or may not result in parental alienation. (See also parental alienation)

**parental alienation**

a situation where a child's resist or refusal to have contact with a parent is considered to be based largely on the negative attitudes and behaviors of the other parent rather than based on the child's actual experience with the rejected parent.

**parental decision-making**

**See decision-making responsibility**

**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 coordinator**

a professional, usually a social worker or family lawyer, who meets with parents to resolve disputes about the implementation of their parenting plan.

**parenting plan**

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

**parenting time**

the time that a parent (or other person) spends with care of a child under an agreement or court order. The person with parenting time has the responsibility for making day-to-day decisions related to their caring for the child, such as related to feeding and discipline. Parenting time is usually divided between the parents based on a parenting schedule.

**primary parenting decision-making responsibility**

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.

**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 shared parental decision-making responsibility.

**resident parent**

when children are with Parent A, that parent may be referred to as the “resident parent”, and when they are with the other parent, that parent will be referred to as the “resident parent”. The use of this term is common in certain clauses in Parenting Plan, as illustrated in the *AFCC-O Parenting Plan Template*.

**resist / refusal dynamic**

a child's resistance to one parent is not necessarily due to parental alienation (see parental 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.

**separation agreement**

a written document that reflects an agreement between separated or divorcing parents about the legal issues that face them, including division of property and support, and usually parenting. It has legal effect and is often also incorporated in a consent Court Order. A parenting plan may be incorporated into a separation agreement, or be attached to it, or can be a complete separate document.

**shared parenting time (formerly called 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. Increasingly in Canada the terms “shared parenting” or “shared parenting time” are being used as synonyms, to refer to cases where each parent had the child at least 40% of the time.

**sole custody (see primary parenting decision-making responsibility)**

a term traditionally used when one parent had the right to make the major decisions about matters such as the child's education, religion and health care; the child would primarily reside with that parent. Although this term appears in orders and agreements made before March 1, 2021, it does not appear in current Canadian legislation.

**split parenting time (previously known as 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.

**step-up parenting plan**

this refers to a parenting plan that may be envisioned like a stair-case, with a parent with a history of less involvement in the care of a child gradually increasing time with the child as that parent gains experience and the parent and child become more comfortable spending longer periods together. This also gives the child time to gradually adjust to spending longer periods away from a parent who may have been a primary attachment figure.

**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 family justice system professional.



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