

# Divorce Act draft gives more rights to fathers

*Canada honours one of the world's 'heroes'*



A parliamentary committee looking at child custody laws has been accused of having a pro-male bias.

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OTTAWA — Proposed major changes to the Divorce Act would give more rights to fathers and make false accusations of abuse in custody battles a criminal offence, Southam News has learned.

The proposed recommendations of the special joint Senate-Commons Committee on Child Custody and Access are the first concrete signs that the all-party group is primed to push for significant changes to the 30-year-old act.

The premise of the committee's draft report is that all decisions regarding children of divorce should be based on the concept that ordinarily it is in the best interests of children to have both parents actively involved in their lives — including access to information about them and regular contact with them.

The committee wants the words "custody" and "joint custody" scrapped and primary consideration given to the continuity of child-care arrangements that existed before parents separated. In other words, both parents should be as involved with their children as deeply as they were before they separated.

Children seven years old and younger, says the report, should live with the parent who has been their primary caregiver,

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# New custody rules proposed

but as children get older they should be allowed a greater say.

The report adds that children should not live with a parent who has abused a child or partner, and before being involved in a child's life an abusive parent must convince a court that he or she no longer poses a threat.

Committee members heard three months of emotional, often controversial hearings across the country. After the hearings, co-chairman Gallaway said the Divorce Act desperately needs amending because it systematically treats non-custodial parents — mostly fathers — unfairly and puts the wants of separated and divorcing parents above the needs of their children.

Feminist groups accused the committee of pro-male bias, partly because of the large number of men's groups it has heard from and partly because Gallaway and others have criti-

cized the current system — especially the cases where unproven or false accusations of abuse have become the basis for a court deciding on custody and access.

The draft report, *For the Sake of the Children*, will be tabled at a closed meeting of the committee next week. Among the proposals are:

- The elimination of the terms "custody and access" from the Divorce Act to be replaced by the concept of "parental responsibilities."

- Obligatory attendance at an education program where separated parents would study the effects of divorce on children. Certificate of attendance would be required before parents could proceed with divorce application.

- Separating parents should be encouraged to develop a comprehensive parenting plan, with a mediator if necessary.

- A special opting-out provi-

sion for families where there is a proven record of abuse towards one parent or the other — or towards the children. Alternative forms of dispute resolution to be used only when the abused parent says the threats have passed and when the abused parent agrees to mediation.

- False accusations of physical abuse be made an offence under the Criminal Code.

- Unreasonable prevention of court-ordered access be made an offence under the Divorce Act.

- Grandparents and extended family members become a legal third category. They should not be required to apply for access to a child but be allowed access to grandchildren under the concept of "the best interests of the child."

- Regular training for federally appointed judges on issues related to the impact of divorce on children.

- End the link between support payments and access.

- Any parent wishing to move a distance that would affect any parenting arrangements must give between 60 and 90 days notice to the other parent. Any dispute over relocation should go to mediation before it is heard by a court and adjustments made in child support if a visiting parent incurs expenses he or she can't afford.

- The federal government should work with the provinces and territories to coordinate federal and provincial jurisdiction regarding children of separated and divorced parents.

The joint committee, co-chaired by Ontario Liberal MP Roger Gallaway and Ontario Liberal Senator Landon Pearson, is due to deliver its final report to Parliament by Nov. 30. Its recommendations will then have to be approved by the House of Commons and Senate.