Submission

On
Divorce Act Reform

Of
Canadian Parents United

For
Equal Shared Parent

February, 2002

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INTRODUCTION

The Submission On Divorce Act Reform of Canadian Parents United For Equal Shared Parenting is a joint effort of many organizations and individuals united to advocate for Equal Parenting after separation or divorce and to address the injustices that affect parents, children and family members.

PREAMBLE

We, Canadian Parents United For Equal Shared Parenting, believe in the right of both parents to function as a parent, that both parents must share parental rights and responsibilities equally and that the civil and human rights of the family must be guarded and protected. We also believe that it is the right of children to have both parents participating equally and fully in their lives, even after separation or divorce.

We call on the Government of Canada to correct the historical disadvantages suffered by parents, mostly fathers, under Canadian family law due to their sex; to allow both parents equal ability to parent their children after divorce; and to change the terms of the *Divorce Act* to reflect all aspects of Equal Parenting.

We, Canadian Parents United For Equal Shared Parenting, call upon the Government of Canada to amend the *Divorce Act* by repealing the terms "*custody and access*" and to ordain Equal Shared Parenting to establish equality of parenting after separation or divorce.

We, Canadian Parents United For Equal Shared Parenting, call on the Government of Canada to amend the *Divorce Act* to include the right of a child of the marriage or a common law relationship as a fundamental right to Equal Parenting by both parents.

OVERVIEW

OUR LEGAL GOALS AND THE REASONS FOR THEM

We support the enactment of legal provisions for the following:

1. A rebuttable judicial presumption of Equal Shared Parenting between separating or separated parents, wed or unwed. By "Equal Shared Parenting" we mean equal decision-making authority and as close to equal time with each parent as are practicable. Where Equal Shared Parenting is impracticable or opposed by one or both parents, primary care and control should be rebuttably presumed to go to the parent most likely to foster the child's relationship with the other parent. Only serious and proven unfitness or misbehavior by a parent should be allowed to rebut these presumptions, and only in extreme cases should rights to parental contact with a child be abrogated completely. Judicial bias on the basis of gender in any of these matters must be strictly prohibited.

Rationale: These provisions simply enshrine the principles that the state has no moral right to terminate any parent's legal rights without serious cause, and that children have a moral right to the love and stewardship of both parents. The casual abrogating of these rights, though long practiced by courts and governments, must be brought to an end.

2. Such efforts to reduce the adversarial nature of divorce as are consistent with maintaining the basic rights of both parents and children. These should include co-parenting education, co-parenting plans and mediation.

Rationale: The traditional adversarial system of civil law, though working well in many areas, is often highly counterproductive in dealing with divided families: it

tends to create and to aggravate conflict rather than promoting healing and post-separation cooperation over the children. Its use cannot be dispensed with entirely but must be minimized.

3. Government-provided efforts to facilitate both the periodic transfers of children between parents and the payment of child support, when there are genuine problems with either. These efforts should include humane and reasonable enforcement where definitely necessary, including means to assure that money intended for a child is actually spent on the child. The measures should also include non-punitive ones such as neutral drop-off arrangements, trust accounts and mediation. All reasonable efforts should also be made to ensure access of the children to their grandparents and to members of both extended families.

Rationale: As things now stand nearly everywhere, the only half of the parental contract which is enforced by law following divorce or separation is that of financial support for the children, not that of emotional support and consortium for the children and both parents.

4. Reasonable and realistic child support orders, based on the actual costs of raising a child in two households ("marginal" calculation) and then divided according to the means of the two parents. In considering those means, due account must be taken of the needs of other children of a parent. In the case of parents disadvantaged in regard to employment capacity or parenting skills, appropriate aid is urged.

Rationale: The principle of equality, together with the privacy right of non-intrusion by the state except for serious cause, demand that divided families not be legally forced, any more than undivided ones are, to provide a child with more than the financial basics of a decent life. The simple fact that both parents are allowed to *act as* parents will usually ensure, in divided families just as in intact ones, that parents will want to provide the children in their care with as many additional good things as they can beyond those basics. Further, the common practice of surreptitiously ordering alimony disguised as child support is dishonest as well as unjust.

5. Strong sanctions, reliably applied, for serious abusiveness toward the ex-spouse or the child; fabricated accusations to officials of such behavior must themselves be considered serious abuse. Firm evidence of unlikelihood of reform should be ground for rebutting the presumption of Equal Shared Parenting and, in extreme cases, for rebutting the presumption of continuing involvement in the life of the child. Supervised contact time is a useful safeguard in cases of abuse and probable abuse; it must not, however, be allowed to be vexatious or frivolously applied.

Rationale: The harm to an adult or child of being subjected to abuse is obvious. And an attempt to remove a child from a parent's life by means of fabricated allegations is also a serious form of abuse; it must not be tolerated.

6. Education of all relevant professionals and officials, and of the general public, regarding the rights and obligations of both parents, and of the rights of the child to a loving relationship with both parents and with both extended families.

II) GENERAL

a) Participating Canadian Organizations

The Unified Submission is prepared and made available through the participation and contributions of many committed organizations, parents and volunteers from across Canada who either submitted materials or were consulted about the content.

b) Role of Parents

Parents are the foundation of the family; they play an integral and very important role in the lives of their children. Parent's act as nurturer, protector, role model, teacher and caregiver. The father and the mother are the source of unconditional love and stability for their children. Beside the roles parents play in the lives of their children, both parents and children, from the instant of birth, in the beginning of life, form a fundamental and irreplaceable bond that is shared with each other; this bond gives children a natural sense of emotional security and dependence on the parents to fulfill their instinctive desires to be loved and to be afforded a healthy development and growth. Among all of the relationships children have with other family members and adults, the bond with their parents is distinctively cherished and is their most important possessions.

The need of the children to be loved and to bond with each parent is the most urgent yet fragile needs. All the elements received by children from the bond direct them on how to love, to trust and to function in life. The bond the child forms with the parent is not interchangeable; to deprive a child of the bond with one of the parents or cause to destroy that bond will result in irreparable emotional and psychological harm and retardation that the child carry for life. To deprive a child of the bond with a parent is to impose permanent destruction of self worth and positive self-image of the child. There is no substitute for a parent in the life of a child. Children are born with a need for both parents; marital status of the parent does not change or alter that need or the capabilities of a parent to give love, and to nurture their most valuable treasures.

Our laws fail to apply equality of parenting in the child's life through the method of awarding *"custody"* to one parent that relegate the role of the

other parent into a *“visitor”* who in essence becomes no more than an inferior passive bystander.

Our laws fail to acknowledge the equal importance of both parents and to allow them to function equally as parents after experiencing a change in marital or family status such as separation or divorce. Our present legal system does not apply the true meaning of Equal Shared Parenting.

III) EQUAL SHARED PARENTING

Equal Shared Parenting is the prominence arrangement that enables both parents and entitles them to presumptively share all the rights and responsibilities equally.

Both parents are required to incorporate schedules that allow each parent to share and apportion parenting time as closely to equal as the parents deem workable and practical to have maximum involvement of both parents in their children's lives. Parents in a system that applies Equal Shared Parenting principles will feel confident knowing that either parent will be treated equally in terms of parenting and that neither will be punished by a system that apply and allow sole custody as ultimate solution, that disregards one parent abilities and will to spend time with the children in favor of a narrow, oversimplified solution that minimizes one parent's time and maximizes time for the other. The principles of Equal Shared Parenting will preclude judicial bias that indulges a parent's desire to reduce or deny the parental rights of the other.

General Principles:

i) Men and women are equally capable as parents

Custody decisions in Canada are guided mostly by gender preference for female parents when the evidence does not support one sex having innately superior parenting abilities. The reliance on gender to determine custody may contribute to negative outcomes for children by failing to consider the children needs and dependence on both parents.

Children have the right to be cared for by the best available parent, that is both parents. Since parenting abilities do not vary by the sex of the parent, child custody outcomes should not be related to the sex of the parent. By selecting mostly female custodial parents when assigning custody, the judiciary is creating sub-optimal conditions for children and

wasting half of the parenting skills in Canada, by relegating mostly fathers to the role of financial provider. Children deserve better.

Current family law outcomes maintain one parental relationship for the child while destroying the other. Judicial determinations need to focus on cementing, to the highest degree possible, relationships of the child to both parents, since both these relationships are equally important resources for children.

ii) Children should benefit from the care of both parents

The most basic right of the child in the process of separation and divorce is to continue complete relationships with parents, extended family, and the community. No person or court can justly rescind or curtail this right, except in the most extreme and exceptional circumstances. Every person or agency has a positive obligation to promote and preserve the child's familial and social attachments.

From the child's perspective, the family does not end with the separation or divorce. The child still has a mother, a father, a heritage derived from parents, siblings, and a reasonable expectation that the family will supply the necessities and comforts of life.

Children are born with innocent and purest form of unconditional love. Their love for both parents translates into the responsibility of both parents to nurture the unconditional love the children are born with equally. Children learn the power of unconditional love through seeing firsthand how unconditional love motivates the unconditional sacrifices made by their parents which make Equal Shared Parenting possible.

A child who is not an official party to a lawsuit has a right to equal shared parenting. Inherent in the express public policy, it’s recognized, that the child’s right to equal parenting, opportunity and the right to be guided and nurtured by both parents. This right is not diminished when the parents divorce.

a) Arguments for Equal Shared Parenting

Equal Shared Parenting is the ideal principle that enables both parents to continue to function as parents, provides children with continued interaction with their parents, and preserves their relationship with extended families. Families cannot exist or are able to function as a family without preserving the abilities of both parents to function as parents in their children's lives, Equal Shared Parenting is the foundation to preserve families after divorce.

Equal Shared Parenting promotes parental responsibility and contact between parents extending that responsibility to preserve bonds between children and parents including extended family members. It is the responsibility of parents to provide the children with maximum social and emotional stability by maximizing the family's ability to function as a family.

Equal Shared Parenting requires both parents to share their parental rights and responsibilities by participating in all aspects of parenting, physical and legal.

True sharing of parenting maximizes the involvement each parent is willing and able to contribute in raising their children, thus enabling each parent to function as a parent.

- Equal Shared Parenting ensures that parents have a right and responsibility to parent their children.

- Parents after separation start out on an equal level working towards their children's best interest thereby removing the incentives to fight.

- Equal Shared Parenting encourages parents to work out the future care of their children themselves.

- Canadian Parents United For Equal Shared Parenting believes that parents have a right and responsibility to parent their children with the exception when one of the parents is convicted of child abuse, that parent would not be considered for equal shared parenting.

- Equal Shared Parenting protects children from the adversarial system that is now in effect.

The emphasis must be put on what is right for the child and not the feeling towards the other parent. In order to redirect the parents attention to their children, it is important to remove the incentives to fight over "custody".

b) Equal treatment under the law in related legislation

All related legislation both Federal and Provincial that has direct or indirect effects on separating or divorced parents must be brought to compliance with the principles of Equal Shared Parenting, such as any Provincial Act dealing with all and any aspect of family law, Vital Statistics Acts, Maintenance Enforcement regulations, Domestic Violence Regulations, Hospitals Regulation, Schools Regulations Income Tax regulations etc…

Organizations representing fathers and men's groups should be equally considered and consulted on all issues of family law and gender sensitive regulations affecting them. Fathers and men's groups should be afforded equal funding similar to women's groups.

c) Parenting Plans

Both parents upon separation or divorce need to prepare a Parenting Plan on how to meet the needs of their children.

Parenting plans provide for the child's physical care; Maintain the child's emotional stability; Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan; Set forth the authority and responsibilities of each parent with respect to the child; Minimize the child's exposure to harmful parental conflict; Encourage the parents to meet their responsibilities to their children through agreements in the permanent parenting plan, rather than by relying on judicial intervention.

Basic parenting plans cover important areas such as:

i) Residential and child care arrangements

ii) Time spent with each parent and the extended family

iii) Financial arrangements

iv) Recreation and holiday arrangements

v) Education and religion

vi) Resolution of conflict

d) Services

Any action for separation and divorce should be preceded by a comprehensive list of services to help the parents direct their attention and resources to the benefit of their children.

i) Alternative dispute resolution (such as mandatory mediation wherever possible)

ii) Parenting after separation courses

iii) Counseling for both parents to derive parenting plans

iv) Parenting plans enforcement program

v) Legal aid to financially eligible parents

vi) Information centers directing parents to available services and resources

IV) DISADVANTAGES INHERENT IN THE ADMINISTRATION OF THE DIVORCE ACT

BRIEF HISTORY OF DISCRIMINATION AND OTHER PROBLEMS IN DIVORCE

Imagine a society, in which when a couple separates or divorces, it is always the father who receives custody of the children. No matter how caring the mother is, no matter how much she wants to remain part of the children's lives and no matter how much the children want the same thing, she is cut off from them--except to whatever degree the father is willing to let her see them. All this happens, that is, unless the father is utterly dissolute--in which case the courts will then give custody to the mother.

What a terrible place such a society would be! How cruel to women! How cruel to children! What a blessing we don't live in such a society! Actually, up until sometime in the 19th century, that was the pattern in *our* society. The immediate reason for this system was economic: the best financial interests of the children were seen as being served by leaving them with the parent who had the financial resources--and that was the father. We might give this judicial doctrine a name. We might call it the "Father-Breadwinner" test for determining which parent gets custody of the children.

Then, gradually, things changed. In part, they changed because the injustice and cruelty of cutting mothers off in this way began to be recognized. Then, by early in the twentieth century, the situation had been completely reversed: women were always given custody of the children when a couple separated or divorced. This happened, that is, unless the mother was found to be "unfit", in which unusual case the father was awarded custody by the courts. After all, mothers are the natural nurturers, are they not? And fathers are the natural providers, are they not? So just give her the kids and have him give her the money to meet their financial needs. We could also give this doctrine a name. We might call it the "Mother-Caregiver" test for assigning custody of the children in separation and divorce.

Then, things changed again. Partly because technology kept eroding away the rigid sex roles, people began to see the injustice of automatically cutting fathers off from their children in this fashion. After all, men are not all alike women are not all alike. Men, too, can and do nurture; women, too, can and do provide financially. The laws were changed so that either parent could get custody of the children. But the judges didn't change very much. Overwhelmingly, they continued awarding custody to mothers, in spite of the law. We might label their motivating doctrine in this the "*Covert* Mother-Caregiver" test for deciding custody awards. This regime still exists. Under it, sociological research has found, the large majority of divorces are initiated by women--after all, they are the ones who stand to gain most from divorce under the system.

Out of all this injustice was born the divorced fathers' movement. It developed largely because, by this point in history, there had come to be *so many* divorces: far more individuals were suffering the effects of the Covert Mother-Caregiver doctrine than had done so under the earlier doctrines. So, do the activists in this movement want a return to father preference? Interestingly, they do not. A few ideologues on the fringes argue for a return to those "good old days"; but overwhelmingly, what the fathers' activists argue for is a new concept designed to be fair to both parents and to the children: Equal Shared Parenting.

During the period of overt and covert mother-preference, modern feminism was born. This movement professes equality between the sexes, focusing on traditional discriminations against women. It professes rejection of gender stereotypes about how men and women behave, recognizing that many of the choices the two sexes make merely reflect conditioning into societal roles. How would they respond to traditional discriminations against men, then, including mother-preference in divorce?

Many feminists -- called her "egalitarian feminists"-- have replied that equality means just what it says; hence, they were willing to share their former advantages with men, just as they expected men to do with them. Consequently, the egalitarian feminists embraced shared parenting. Indeed, they could point out, equality in parenting is merely the other side of equality in paid employment. For just as women were traditionally kept out of the paid workforce so they would stay home and care for children directly, men were pressured out of the home and into the paid workforce so they would provide for children financially. In fact, the egalitarians have pointed out, eliminating mother-preference through shared parenting promotes equality for women as well: mothers whose ex-husbands do around half of the childcare will be freer to take their place in the paid workforce.

a) Arguments against Custody and Access

i) Custody outcomes favor sole custody, depriving children of the best available parent, (emphasis: which is both parents)

The current system:

a) Pits one parent against the other

b) One parent is made the bad parent

c) One parent is rewarded with sole custody; the other parent becomes an access parent

d) Promotes false allegations against the other parent

e) Necessitates the staggering amounts of money paid by parents to lawyers, which is better spent on the children

ii) There are no serious provisions to ensure the continuing parental role of the NCP

iii) Custody and Access usually results in one parent having custody (80 % + sole) ...with the other parent relegated to accessing their children, with all the attendant limitations that means to support children.

iv) Custody and Access are subject to misinterpretations and policies created by institutions and organizations of the Government. *(Emphasis: communicating rules, options, information etc.)*

Even thought the Divorce Act has provisions within to grant a parent with access rights the right to inquire and to be provided with information about

the child, government institutions and organizations are actively curtailing that parent protected rights.

Accesses to medical records of a child are denied by health institutions, whose policies regard that access to medical records can be obtained only by consent of the custodial parent or by a court order.

Similarly accesses by non-custodial parents to a child's educational records are curtailed by educational institutions in many provinces and are subject to arbitrarily policies and interpretations.

Government directed social services also have policies in place to restrict providing any information about the welfare of a child to a non-custodial parent, mostly fathers, when social services workers are involved in the affairs of the disintegrating family.

b) False Allegations and Family Violence

The most important point about domestic violence and about violence in Canada is that we are not actually a violent society. A focus on violence, and the promotion of fear, may have advantages in some social arenas, but violence does not figure prominently in the direct experience of the great majority of Canadians.

There is an aura of violence, selfishness, and depravity around men that places them at a severe social and political disadvantage. In matters of custody and access, the courts are choosing good people (women) over bad people (men). This judgment is even accepted (despite some discomfort) by most men.

The pursuit of political power by a societal group is a legitimate effort in this country, but there are limits to what tools can be used. Propaganda war of gender against a class of people is not an equitable or acceptable tool in the Canadian tradition, but it works if it is not resisted. Feminist gender analysis, funded by government, and supportive of new policies, more "public education", and more analysis, has led to the creation of a privileged gender feminist political class, nourishing, and drawing power from, the fears of some Canadian women. The bitter irony is that Canadian women live in the most favorable political and social climate in the world.

False allegations of abuse within divorce proceedings take place in the form of affidavits sworn before lawyers who present themselves as officers of the court. Lawyers will have a duty to verify the information brought forward by their client to be accurate and supported with evidence or face stiff penalties; such as: The revoking of their license to practice.

A person swearing a false allegation affidavit must be prosecuted under the criminal code.

i) Canadian courts have created a second criminal justice system under family law that has virtually no protection for the accused

It sometimes seems that negative judgments about men are the essence of social enlightenment. Fathers and men have, so far, reacted to these accusations by attempting to get better, and we have succeeded. We are better people, better fathers, as a result of our efforts.

All that having been said, there are some of us who sense that the atmosphere of censure has become poisonous. Allegations against men in general regarding "sexual assault", exclusion from business, exclusion from some social arenas, etc., are perceived as one-sided and hurtful to a class of people (Canadian men) that have actually acquitted themselves responsibly and generously.

All of the allegations are disputable, but government only supports one side in the argument, and shows a reluctance to listen to the other or fund its research and analysis. Many of us wonder why we have "sides" at all, given that most men and women in Canada act as a united people.

Acting on a growing perception of harm to our children, Canadian men are forced to defend their own history, ideas, and intentions, and we rely on the support of the majority of women to help us do it. For anyone with an open mind, it becomes more and more clear that children need their fathers, and must not be denied.

ii) The current family law system provides powerful incentives and rewards for unproven allegations

Anti-male bias is another incentive for mother to litigate. The presumption of innocence and honesty on the part of the mother, and the presumption of guilt on the part of the father, may lead mother into a satisfying but destructive drama. The details of court rulings must not preserve bias.

c) Denial of Access

Fathers across the country report desperately their suffering of the relentless denial of access to their children imposed arbitrarily by mothers. Nearly all members have experienced access denial. Many find that police will not take incident reports, are insensitive to fathers and certainly will not intervene in any way to help the father exercise court-ordered access. Courts are reluctant to penalize access denial, except in extremely rare cases.

The rights and interests of children do not appear to have any weight in the judicial view of access denial. Generally, court orders grant rights of access to fathers, but do not award children any such rights. Despite a considerable body of scientific evidence to the contrary, judges presume that access denial affects first the father (the least valuable member of the family), second the mother (who essentially embodies the family and all its interests), and only peripherally the child (who is an extension of the mother). The impact on children runs directly contrary to the verdict of the research.

The courts' systematic neglect of the child's interest in access is a derivative of special interest groups gender analysis, which holds that the child has no rights or interests that can be separated from the rights and interests of the mother. Given that children are, in fact, people with separable interests, the courts are clearly showing a bias that is detrimental to children and favorable to mothers, a transfer of rights and interests from one person to another.

i) The parental role of the NCP does not receive as much attention as that parent financial role

In analyzing harms to children, the matter of social equity for fathers may have been largely set aside in favor of their financial role, but it is harmful to society to set aside fathers and men as valueless or detrimental to society, and to pretend that this group suffers no disadvantage. Courts seem to rate fathers' societal values according to their financial success and assets thereby, creating a market of societal commercialism trading in children, the richer the father the higher the value of the child financial support. Courts upon requests by mothers are allowing themselves to engage in repressive and discriminatory practices towards fathers.

ii) Limits and loss of children relationship with extended family

Many children go through periods in their lives in which they depend very profoundly upon relationships with extended family. Separation and divorce should not be used as a barrier of access to the extended family of the child; the relationship of the child with extended family members that thrived during cohabitation of the parents must be guarded to continue to flourish. A child has the right to enjoy the benefits of relationships with grandparents, aunts, uncles, and cousins, without harmful intrusion by the government.

d) Bias in Court

The courts consistently disregard the interests of children by favoring the maternal bond over the paternal bond; this bias is not justified by any evidence or credible cause for preference. Statistics indicate that about 85-90% is the approximate rate at which mothers are awarded exclusive care and control of children.

Government removed gender bias against women only to replace it and make it gender bias against men...

i) Children's interests are best served when parents of both sexes receive equal benefit of the law.

The "primary care-taker" is a code phrase used by judges in their decision-making is a one-sided unbalanced and inappropriate judicial-social policy that may be attributed to the eroding and undermining of our families. Statistics show an increase in divorce rates, crime, suicide, teenage pregnancies, and a large number of children growing up with absent emotional balance.

The bias of the courts is expressed by their irrational over-identification of children with their mothers, excluding the children dependence and need for their fathers.

e) Legal Aid

i) Both sexes must have equal access to legal aid

ii) Parents facing punitive measures pursuant to maintenance enforcement must be provided with counsel as if they were facing criminal prosecution

f) Barriers to Parenting /Government programs recognize only one parent

There are many barriers to parenting by fathers in comparison to parenting by mothers in many areas of services, support programs and government initiatives and policies:

i) Financial

ii) Legislative/Judicial

iii) Information/Health and Education

iv) Lack of Services for Non-Custodial Parents

i) Financial Factors

Most non-custodial parents, mostly fathers, are living below the poverty level after separation and divorce. Childcare expenses of non-custodial parents are not taken into account. The current system allow daycare costs can be awarded against parents who are themselves willing and able to care for their children.

Court orders are required to vary the amounts payable for child financial support, an unreasonable requirement when a parent is in poverty. Legal Aid is rarely available to vary child financial support.

Parents paying child support who have a second family are not able to have these children considered as dependents from the point of view of the Child Support Guidelines.

Decreases in income caused by unemployment, illness, layoff, cyclical industries and retirement require expensive litigation. Courts can also "deem" non-existent income of a non-custodial parent.

There is no clarity about when the obligations to pay support cease.

There is no accountability for ensuring that payments being made are for children who are in fact still residing at home.

There is no simple way to calculate the effect of the dramatic increase in travel costs for non-custodial parents to maintain a relationship with their children after a relocation.

For low to middle income non-custodial parents, the necessity of payment of alimony all but eliminates the possibility of parenting.

Small businessmen operating as sole proprietorships frequently have their working capital garnished and are catapulted into bankruptcy.

ii) Legislative/Judicial

Courts reward mothers who pretend to refuse to cooperate with their former partner with all the financial benefits of custody. There are no rewards or acknowledgment of fathers for cooperating.

Courts do not recognize that fathers can play a vital role with their children's education.

There is no accountability for abuse of process by parents, lawyers, doctors, psychologists, counselors and therapists, transition houses for: perjury, falsification of evidence, false accusations of abuse or violence and violation of professional codes of conduct.

There seems little relevance paid to the "friendly parent rule".

There is no serious accountability for custodial parents who violate court orders and decline to allow the non-custodial parent and their extended family time with their children.

There is no accountability for custodial parents who alienate their children from the other parent (parental alienation).

There is no accountability or controls against parents who relocate with their children for no real reason other than spite.

Divorced fathers face monumentally difficult and expensive tasks to obtain custody of their children when social services take them into foster care from the mother.

The option of single father households should be accepted as a real option in addition to adoption and foster care. DNA can relatively easily establish paternity now and the *Vital Statistics Acts* should allow the registrations of fathers.

iii) Information/Health and Education Issues

Provincial regulations are either silent or are in conflict with the current *Divorce Act* about non-custodial parents access to all information about their children's health, education and related services.

Non-custodial parents, mostly fathers, experience gargantuan struggles in most provinces even to obtain copies of their children's school records or Health care records and Health Care Cards.

iv) Lack of Services for Non Custodial Parents

Fathers cannot have their names put on their children's birth certificates.

Fathers reporting suspected abuse to their children to social services ministries are often not given proper attention, consequently, social services workers fail to inform or assist fathers when abuse of children occur.

Many fathers report that bureaucracy does not take them seriously when they report that they have been assaulted and no record is created of assault thereby skewing the statistics.

There are no Access Enforcement Programs**.**

Transition Houses must be made accountable to the due process of law. There are a significant number of cases of children being kidnapped into shelters for long periods of time in defiance of court orders or warrants.

g) Parental abduction is often rewarded with sole custody

As children are considered an attachment to the mother, women are acting on the wide spread gender bias of our courts, empower them to take any action they feel compelled to take, without the fear of consequences, women armed with this biased empowerment are the

predominant abductors of the children, often removing them to distant provinces or foreign countries.

Women remove, abduct and alienate children as a privilege; get all kinds of support and are rewarded with sole custody of the children as a matter of status quo.

One of the major obstacles for parenting is to enable and encourage and permit one parent to move away to separate children from the other parent in favor of benefits such as better jobs, schools, conveniences or better life style preferences deems to be more important than the children relationship with the other parent.

To view and to assert that preference, convenience and benefits are superior to the children relationship with a parent is to subordinate the value of that parent and the children to the value of preferences, conveniences and benefits making that parent disposable and undermines a child's concept of parenting and family.

V) CHILD SUPPORT

Child Support under the current *Divorce Act* as amended by Bill C-41 refers exclusively to and means the transfer of wealth from the non-custodial parent, mostly a father, to the custodial parent, mostly a mother, under the guise of the Child Support Guidelines.

Child support should be considered in the broadest sense of its meaning and covers fostering moral, social and educational support as well as direct care and support of children. Financial support is only one element of support. The current child support regime has a narrowly focused agenda emphasizing only the quantum of financial support, ignoring and discouraging all other forms of support provided by non-custodial parents.

The introduction of the Child Support Guidelines repealed the joint responsibilities of both parents to support their children and replaced it with a repressive regime of liability to burden the non-custodial parent, mostly the father, with aspects of financial support.

The Income Tax Act was amended to treat child support payments as non-taxable in the hands of custodial parents, mostly mothers, placing an increased burden of taxation on families experiencing divorce. This has the effect of depriving children of divorced families of resources they desperately need.

a) Child Financial Support Proposition Formula

Child financial support under Equal Shared Parenting necessitate that no transfer of funds will take place except in exceptional and rare circumstances where the development of a child may be hindered and the standard of life may sink the child into poverty. Child financial support under Equal Shared Parenting is substituted by parenting time that no amount of money can substitute.

Whereas Canadian Parents United for Equal Shared Parenting and the overwhelming majority of Canadians are in support of the equal shared parenting concept in response to the failure of our current family law system to recognize and apply equality of parenting and the inability to affect a fair distribution of financial support obligations, result in a compelling situation that necessitate the repealing of the current Child Support Guidelines in favor of a more balanced and equitable formula for sharing and equalization of child financial support.

Whereas, under the guidance of Equal Shared Parenting, parents presumptively are considered to share the costs and the raising of their children at equal periods of time or if the parents choose otherwise, according to the parents agreement to apportion the time to care for their children based on their abilities.

Equal Shared Parenting recognizes the joint responsibilities of both parents to financially support their children on equal basis based on the parent's financial abilities.

Child financial support under Equal Shared Parenting may be categorized into three different categories:

a) Equal Child Financial Support: Equal Parenting time with close to equals Gross Income

b) Apportioned Child Financial Support: Equal or Apportioned Parenting time with unequal Gross Income

c) Ceiling of Child Financial Support: Equal Parenting with high Gross Income, or unequal High Gross Income

The Child Financial Support Proposed Formula is designed to determine factual and equalize the sharing of child financial support and to make the transfer of shared financial support payments practical and as simple as possible where differential circumstances exist.

The Child Financial Support Proposed Formula takes into consideration a wide range of financial data of parents and associated costs of living for both the children and the parents including Income Tax benefits.

(1) Both parent's gross and net income

(2) Actual costs of the children

(3) The number of days per year each parent assume care for the children

(4) Each parent share of the costs

(5) Equalization of Payments

Formula to determine and equalize child support payments applicable to both parents

(1) The Formula shall use a cost sharing method based on both parent's relative ability to pay.

(2) Estimated cost of children to a single parent

(3) Fixed costs of children such as housing and variable costs based on days spent with parent

(4) Child care costs where applicable such as work related

(5) Medical costs not covered by health insurance

(6) Child and self related Tax savings benefits

i) Child financial support should reflect the actual costs of parenting children

The current Child Support Guidelines are based on the Statistics Canada Subjective scale renamed the Statistics Canada 40/30 scale, which overestimates the costs of raising children. The department of justice adopted this scale after lobby groups rejected the findings of a panel of leading Canadian economists on the costs of raising children in Canada. Canadians deserve to have a set of guidelines based on the actual costs

of raising children, rather than a subjective guideline designed to increase awards to custodial parents.

ii) Child financial support should be assessed on the basis of the income and costs of both parents

The current Child Support Guidelines in Canada assume that each parent has the same income after divorce and that the non-custodial parent has no costs related to children (other than child support) after divorce.

The assumption that parents have equal incomes after divorce in Canada is untrue, both on average and in almost every individual case. This false assumption, along with the use of only one income to determine child support amounts leads to many situations of unfair child support awards. For example, many custodial parents may be in a much better financial situation than their former spouses. The structure of hardship provisions ensures that very few non-custodial parents can achieve a fair award. The costs of mounting a costly and complicated hardship application will likely exceed the means of the parent in this situation and judges already view this route negatively, comparing it to a camel passing through the eye of a needle.

Giving one parent the ability to force the other into costly and time consuming exercises of financial disclosure, with no reciprocal ability creates a power imbalance that is sometimes used only to punish and control a former spouse, rather than to accomplish the aim of achieving an award that balances a need to share costs with ability to pay. Child Support Guidelines should account for the income of both households.

b) Child Support Guidelines disadvantages

i) The current child support guidelines do not include *child care* and costs of the NCP

The current Child Support Guidelines does not recognize the costs of children to the non-custodial parent. The non-custodial parent typically cares for the children – food, clothing and nurturing them – half of school holidays and weekends. Moreover, the non-custodial parent often has similar fixed costs as the custodial parent, such as providing a residence with adequate sleeping and play arrangements, toys, bicycles, etc. Non-custodial parents often are responsible for the entire cost and effort of exchanging the children. The described expenses are characterized as the "traveling expense of children." The Child Support Guidelines does not recognize the important contribution of non-custodial parents to their children's lives and does not include the non-custodial parent costs in any child support calculations.

The current Child Support Guidelines are designed to inflict punishment on the paying non-custodial parent, mostly fathers, with intent to drive them out of the life of their children and to weaken the family unit.

The current child support guidelines does not consider the ability of each parent to support himself or herself and the tax benefits each parent will lose or gain as a result of the termination of the family unit including personal income tax credit and child tax credit.

The current Child Support Guidelines do not consider the actual cost of raising children, instead the regime devised calculations of financial child support that would disregard the custodial parent's income, mostly mother, and made the guidelines based on and paid by the non-custodial parent's income, mostly fathers. The focus on the payer's income and ignoring the custodial parent's income seems inconsistent with the principle that both parents have a joint financial responsibility towards their children.

ii) The current child support guidelines disadvantage low-income non-custodial parents

The current Canadian Child Support Guidelines impose severe burdens on low-income non-custodial parents that may prevent or discourage the

non-custodial parent from supporting their children directly and often these financial burdens do not benefit the custodial parent. Child support amounts are much higher for low income Canadians, as a proportion of their disposable income, than they are for middle and high income Canadians. Thus the poorest are expected to pay the most in direct contrast to their ability to pay. If a low income custodial parent is forced to access social benefits, the child support collected from his or her former spouse – also often low income – is used mainly to replace social benefits rather than to support the custodial parent. Thus taxes are reduced on the backs of society's most needy. Child support can represent such a financial burden in some cases that direct childcare – perhaps more important for the child's development in low-income cases- suffers or is completely prevented. Child Support Guidelines should reflect ability to pay and take special care to protect the relationships of children to their low-income non-custodial parents.

iii) The current Child Support Guidelines are not flexible

Unlike taxation, which makes yearly adjustments in ability to pay, child support is difficult to change when a non-custodial parent faces a reduced income for various reasons such as illness or disability and unforeseen lose of a job or loss of business by the self-employed. Court proceedings are expensive and legal aid for reducing child support amounts or forgiving arrears is rarely available. Judges are also rarely receptive to applications to reduce amounts or forgive arrears, even when evidence of lower income is provided. This situation structurally creates much of the child support arrears and subsequent punitive action by provincial maintenance enforcement agencies, which are not concerned with ability to pay, but only with what has accumulated. Child support awards should be adjusted annually according to the incomes of both households, without need for a court hearing.

c) Child Support and Age of Majority

The *Divorce Act* defined "child of the marriage" as:

..."child of the marriage" means a child of two spouses or former spouses who, at the material time,

(a) is under the age of sixteen years, or

(b) is sixteen years of age or over and under their charge but unable, by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life;

The current definition of the “child of the marriage” expanded the obligations of the non-custodial parent, mostly a father, to support an “adult” beyond the age of majority, thereby, allowed the continuation of financial spousal support. For the purpose of our unified submission, our concerns are directed specifically to the term “or other cause” which has been left for judges to interpret at their discretion.

The term “or other cause” allows an “adult” of divorced parents to remain a “child of the marriage” for the purpose of financial dependency, mostly on the father, and gives this particular “adult” far more greater rights than what is afforded for other adults in intact marriages and families. One of the most notable “or other causes” is university education.

i) Child support for adults discriminates against divorced parents based on the basis of family status and marital status

Since parents in non-divorced families are not obligated to support their adult offspring through university, only discrimination on the basis of family status and marital status can explain this policy. Child Support Guidelines should not be extended to adult offspring or to any other circumstance that does not apply to intact families.

VI) DEPARTMENT OF JUSTICE CONSULTATIONS ON CUSTODY AND ACCESS

a) Report: For The Sake Of The Children

This report was created pursuant to a national consultation conducted by a joint Senate-House of Commons committee. Since this report was created by representatives of the Canadian people, its recommendations should not be second-guessed by the Department of Justice. The will of the people should be respected.

b) Delaying Tactics

i) The Federal Department of Justice is showing contempt for the democratic process by not swiftly acting on the recommendations of Parliament provided in the Report

c) Flawed and Manipulative Process

i) The DOJ structured its limited and non-public consultation to allow only a small finite set of predetermined outcomes

A truly open process would not limit the outcomes to those options favored by the Department of Justice. As a servant of the people, the government should reflect the will of the people when drafting changes to legislation. This function is more properly conducted by the legislative aspect of government – parliament – than the executive portion of government such as the Department of Justice.

APPENDIX

d) Rebuttal and Response To The Canadian Bar Association Submission On Divorce Act Reform

The practice of family law in Canada has been dominated for years by sexist feminists, and this has been reflected in positions taken by the Canadian Bar Association (CBA).

In public pronouncements, they have generally been careful to avoid endorsing any *de jure* discrimination against fathers, just every proposal for *de facto* ("disparate impact") bias they could get away with. This latest document from them deviates only in small degree from their past positions. Notably, they now strongly endorse ameliorative measures over traditional adversarial ones, for which they are to be commended. Fathers' rights groups have advocated such measures for over twenty years, and now, finally, governments and courts are moving toward implementing them. But the CBA continues to promote anti-father positions. Only a brief outline is possible here.

i) Arguments against "parental responsibilities"

The Fundamental Injustice

The most basic anti-father stance in the document lies in its endorsement of a position recently popular among sexist feminists. It was used in the "Consultations" by Justice Canada, to which the document was submitted: the claim that only parental obligations, not parental rights, should be taken into account in deciding child custody and access issues.

Instead, so the line goes, only "the best interests of the child" should be taken account of in making such decisions. This is a remarkable piece of sophistry that has taken many people in. Certainly, the rights of children are paramount. But the idea that parents have no rights at all is made in bad faith and lacks merit.

The paramountcy of rights is that, it is not possible to eliminate rights over children; they can only be transferred. For as long as some adult has to make decisions for underage individuals, and since not all adults can be permitted to make decisions for a given child, those who do that deciding *ipso facto* have rights over that child--be they parents or parent-surrogates or judges or government bureaucrats. With due respect, what is fundamentally wrong with this claim is that it is a rationalization for taking rights over children from parents and giving them to the state.

In fact, this is part of what makes the traditional and current divorce system such a moral outrage: the state's wholesale appropriation of parental rights to itself, shifting the burden onto the parent (read: the father) to prove he should not lose his child. The state has no moral right to "grant" custody--to give away what it does not possess in the first place--but only to intervene where individuals' own behavior has relinquished their natural rights. The fact that the state is already in the habit of taking away parental rights *without* just cause does not make the act any less despotic.

How does supporting this existing injustice promote the agenda of the sexist feminists? Under the present system, it is overwhelmingly fathers who are seeing their children ripped away in divorce. The no-rights-to-children claim is employed to obscure the fact that anti-father discrimination is the most serious and widespread violation of equality rights by the state in Canada today. For, if there are no rights at all, then violation of equal rights cannot occur. And the continuing takeover of parental rights by the state means the continuing massive transference of those rights to mothers alone.

The no-parental-rights claim is specifically employed in arguing against the demand for a judicial presumption of shared parenting--joint legal custody and time-shared residential custody--following divorce. (For hard practical reasons, the time-sharing need not be exactly 50-50; but that is the starting position.) From the fact that parents have rights, however, *the presumption automatically follows that those rights continue following separation and divorce*. The reason: genuine rights can be terminated only for serious cause. Hence, the burden is on others to prove that they should be ended. Creating a burden of proof is simply what a presumption does. The existing contrary assumption that the rights of one of the parents shall be terminated, is therefore flagrantly unjust.

The no-parental-rights claim is a mere ploy; the sexist feminists do not believe it themselves. This can be seen simply by following it to its logical conclusion.

If parents were seen as having no rights, then at birth, all parents would have to convince a judge it is in the child's best interest for them--instead of some unrelated person or persons--to have custody of the child. Consider especially all those stable, middle-class couples desperate to adopt these days, and all those poor or less able couples having babies. Imagine judges saying to biological parents: "Children are not property! How dare you try to keep this child for yourself, when the child's interests would be far better served in another home? When the child is grown, having had all those advantages can then get to know you and his roots."

Mothers' and fathers' rights are only part of the equation; the rights of the children can outweigh them. (Note well, however, that rights are not the same thing as "best interests". This is Political Philosophy 101: mere interests cannot outweigh a right--at best another right can do that.) Possible conflict with the child's rights is why Shared Parenting after divorce is promoted as a *rebuttable* presumption--not, as opponents of the presumption often asserts, as a "blanket" rule covering all cases. (The rebuttability is generally taken for granted, just as it is in the phrase 'presumption of innocence'.)

A presumption that children belong to mothers has long been in force, formally or informally, in the courts. It has been rebuttable only by the right of a child to be safe from harm--i.e. By the mother being judged to be thoroughly "unfit". By all rights and all compassion, that presumption belongs to fathers as well. The fundamental problem with the divorce system as it is now is not that rights are emphasized over obligations (which is false anyway); it is that one parent loses all rights.

That parental legal rights should presumptively be *equal* rights follows from the fact that marriage is supposed to be an equal partnership. That is the idea behind division of financial assets upon divorce. In a traditional-type marriage, for (just) one example, her caring directly for the children leave him free to pursue financial gain; hence the fruits of his labors belong to her as well. And by the same token, his financial care giving to her and the children enables her to give in-person care to them; hence the fruits of her labors are rightfully his as well. (Note how this point refutes the "primary caregiver presumption", the main current

rationalization for perpetuating *de facto* discrimination against fathers in divorce.)

It is crucial, then, to be clear on the parameters of this debate in Canada today. It is not about mothers' custody rights vs. fathers' custody rights, such that one or the other must lose; the divorced fathers' groups all promote Equal Shared Parenting. They know what it is like to lose one's children. No, the dispute is between unequal rights and equal rights. It is between the entrenched political power of the sexist feminists and sexist traditionalists, on the one hand, and desperate efforts by other men and women for change. For all its rhetoric about involving both parents, the CBA report supports the sexist status quo over and again.

ii) Other Anti-father Stances, Section By Section

I. The amount of integrity in the CBA submission is signaled at the beginning, where is stated the following: *"Contrary to common misconceptions, family lawyers in reality try their utmost to reduce conflict and promote resolutions between the parties."* Even a token admission of the way our "adversarial" judicial system encourages conflict would have been reassuring. Instead, we are told family lawyers never try to win for their clients regardless of other considerations. Much of what follows is equally dishonest.

IIA. What the submission says about terminological changes and their impact is largely reasonable. But what it says about substance (in contrast to mere choice of terms) is another matter. It commits multiple sophistries in order to oppose a presumption of Shared Parenting, under *any* name. Chief among these is the pretence that the existence of custody rights is what results in so much deplorable fighting in court. To do this, the submission dishonestly conflates custody in general with *sole* custody: It is the winner-take-all system, not parental rights, that leads some parents to fight like wildcats over fear of losing their children. (And leads others to give up and drop out of their children's lives.) It is the presumption that one of them will *lose* custody that leads to the problems falsely blamed in this section on custody *per se*.

The "broad range of options" for parenting arrangements which the submission lauds here does sound flexible and progressive--but its later

rigid 50% rule on paying child support makes clear that the authors of this report are really quite reactionary on the issues involving children in divorce. Given that fact, and the general vagueness of this section, it appears the CBA has not abandoned any of its past opposition to real change in court-decreed parenting roles. It is just opportunistically using the vagueness of the terminology-based proposals in *For the Sake of the Children* to appear to be doing so.

IIC. This section reinforces that conclusion. The suggested list of criteria for judges to use in deciding parenting arrangements is clearly geared to choosing one parent over the other, rather than keeping both fully involved in the child's life. Indeed, they lean strongly toward the discriminatory "primary caregiver" criterion, and reduce biological parentage to being merely one consideration among many.

Though including (as it should) a history of family violence, the criteria-list omits the existing "friendly parent" rule, and makes no mention of parental alienation. ("Encouraging the child to respect the other parent" is listed as a future parental responsibility, but not as a criterion to be used to determine parenting rights.) This is consistent with the submission's general trivialization of attempts by one parent to push the other out of the child's life--they are barely mentioned, and nowhere seen as worthy of serious judicial action. These features represent further bias against fathers in the CBA report.

IID. A special section of the submission is devoted to the problem of family violence. Though it mentions the possibility of false accusations of abuse in passing, the fact that it is a massive problem in divorce cases is nowhere hinted at. Using such claims in conjunction with *ex parte* orders, and other abuses of the legal system, is rampant and endemic--but of course, this problem overwhelmingly impacts men and their children, not women. (One concession is made: there should be no presumption against a parent who is merely an *alleged* perpetrator of family violence!)

IIG. This section deals with access violations, but objects to use of punitive measures; only "counseling" is suggested. This leaves access orders in their unique position as the only court orders not enforced. Just the barest hint of an argument is given for this position, no real reasoning. (Though most of the arguments for and against enforcing access orders apply equally well to support orders, the submission never expresses concerns about the draconian means being employed in that sphere.) The

CBA report talks at some length about the bad effects on children and the custodial parent when access parents fail to make visits (not when insufficient access time is awarded in the first place, of course). Yet no mention whatever is made of the harm caused, to the other parent and the child, when access is denied. (Elsewhere, non-custodial access is lamely granted to be "usually consistent with" the child's interests.) Finally, such mention of access denial as is made involves only "persistent" denial. Would they object only to "persistent" failure to pay child support? It is plain that the authors of this report think children don't really need their fathers, just their fathers' money.

III. That latter conclusion is borne out in spades by the way the subject of child support is treated. To begin with, not a word is spoken about the unfairness of the existing guidelines. The report complains (rightly) that without guidelines, awards are sometimes inadequate for the "children's needs"--not that they are ever too high, of course. Yet its authors are perfectly aware that the existing guidelines are not based on children's needs at all, but on the father's (real or imputed) ability to pay. Instead, the guideline amounts are largely hidden spousal support. Nor is the mother required to pay for any part of what the child needs, no matter how great her own income may be. In spite of all these *prima facie* injustices, the authors see no need to discuss the issue of whether the current guidelines are reasonable and fair--they know when to leave a good racket alone. What they do consider worth discussing, however, is also powerfully revealing.

The hypocrisy in the submission continues at this point. Suddenly, this section supports a presumption in law, always rejected up to this point. It gives various reasons why a "presumptive amount" of child support is a great idea (the level of certainty reduces conflict, etc.), even though they would apply equally well to a presumption of Equal Shared Parenting. On the basis of no evidence, it hints that guidelines ameliorate the "disparate bargaining power" of women regarding financial negotiations--with no hint of the hugely disparate power between fathers and mothers in regard to who gets the children.

As mentioned earlier, the report takes pains to mention failure to exercise access as well as access denial. It is instructive to note, therefore, that no concern parallel to that about the one parent paying support is expressed about the other parent's failure to spend the child support on the child. (Accountability in using these funds is mentioned, gingerly, only as regards children over the age of 18 years--when they are quite capable of

complaining on their own when their money does not go to them.) The mantra "the best interests of the child" continues to be very much a cover for something else.

IIIA. The foregoing conclusion is borne out perfectly in this section. The plain fact is, when parents live separately, the needs of a child have to be met in two locations (two bedrooms, meals in two places, different belongings in the two places, etc.) As a matter of simple logic, then, whatever money is required to meet the child's *total* needs should be apportioned between the two parents. And the more equal are the amounts of time spent with the two parents, the more equal must the two portions be. But logic (not to mention fairness) played little part in setting up the current rules. At a totally arbitrary level of 40%, the guidelines allow the paying parent the possibility (the actual decision is left up to the judges) of keeping some of the support money to spend directly on the child. A child seeing the father 35% of the time needs no food, etc., during that time, according to the existing guidelines.

So: does the CBA submission do the logical thing, and recommend that expenses be apportioned at all levels of time with the child? Not in the least--it wants the custodial parent mostly mothers to get *all* the child-raising money at *all* levels of time spent, up to 50%! This is rationalized in a passage that says, in part, *"a child's best interests in terms of their parenting and living arrangements should not be affected by their parents' support arrangements."* As if money spent directly on the child by the “access parent” somehow had nothing to do with the child’s needs or best interests. The real motive here is clear: the authors of the submission simply wish to maximize the money going to the mother, regardless of how the child needs it to be spent.

Further sophistries in this section are too numerous. A totally arbitrary "presumptive multiplier", hedged with contradictory rationalizations, to prevent fair cost sharing *even at the 50% level* is brazenly put forward. It is recognized that "parents often attempt to arrange custody" in such a way as to reach or avoid reaching that 40% level. But only "on occasion" is it a custodial parent trying to get more money by denying the other parent time with the child; much more often, the authors allege, this is done by a non-custodial parent "so as to avoid paying the table amounts". Apart from the bigoted statistical fabrication, the report is still ignoring the fact that the latter parent was being cheated in the first place, by having to reach that level to defray any direct child expenses at all.

IIIB. When the submission finally gets around to mentioning access expenses (which it pretends are nothing but travel costs!), it considers only "unusually high" costs. And it spends most of the space mulling whether spending unusually low amounts of time with the child (due to seasonal work away and the like) should mean an increase in funding to the custodial parent.

IIIC. On the subject of children over the age of majority, the submission yet again sidesteps an important justice issue. Only divorced parents--not married parents or separated never-married parents--are now being required to pay support in this circumstance. The authors simply take for granted that this is just, and spend the space discussing whether the money might sometimes go directly to the child.

IIID. This final specialized section, on the obligations of biological vs. *in loco parentis* fathers, yet again dodges the opportunity to discuss principles of justice. Without any argument, it declares that such matters should be left to individual judicial discretion--as long as the richer parent must pay.

IV. The remaining lengthy section is largely about the need for support services (mediation, co-parenting education, legal aid, etc.). It is mostly unexceptionable, aside from one thing: its self-interested and highly dishonest attack on self-representation in court. To the bitter end, the CBA submission represents the interests of sexist-feminist family law practitioners--not justice, and certainly not the best interests of the child.

CONCLUSION AND OUTLOOK

The ultimate interests of children of divorce require the love and care of both parents equally and unconditionally, the declared desire of Canadian parents lean towards a requirement to reform the *Divorce Act* in favor of Equal Shared Parenting.

Government programs must be established to empower men and fathers to remain an integral part of the family. The judiciary needs to reevaluate their assessment of the role of fathers when the family breaks down to ensure equality of parenting and to reduce the problems of divorce on children. Children, fathers, mothers and society in general are best served to show fathers that they still matter by awarding them Equal Parenting that includes all the rights and responsibilities of parenting.

Strong families build strong, confident and well-adjusted children. Strong families build strong and proud nations. If the Canadian family court system is any indication of what the leaders of Canada believe in, then clearly they have their priorities wrong. A country with leaders that allow its court system to terrorize its own people is a country heading down the path of eventual moral collapse and economic ruin.

The future must hold that the two parent families are empowered and strong.