

Aboriginal Parenting After Separation



HANDBOOK

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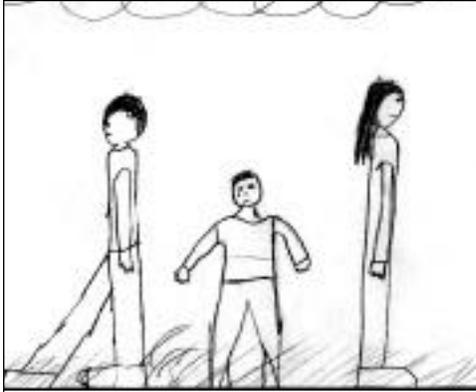
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1

Introduction

When parents separate or are living apart it is a very difficult time for children. They need love and support at this time and throughout the period when parents are living apart as all members of their family are adjusting to a new life.



Matthew, Nipisikopahk Middle School

Goals

This handbook will give you information about:

1. The emotions experienced by adults during separation and divorce.
2. How to assist children through the separation process.
3. Dispute resolution options.
4. The court system and court procedures.
5. The *Child Support Guidelines*.
6. Community resources.

This handbook is for parents who are:

- Married
- Living common law
- Single

This handbook is for parents who are living:

- On reserve
- Off reserve

This handbook is for parents who:

- Have already left the relationship
- Are still in the relationship but are thinking about leaving

This handbook is also for anyone who has a relationship with your children, including:

- Immediate family and extended family members
- Friends and Elders

This handbook gives you tools to work with. You may wish to use it over time, rather than going through it all at once. The Worksheets at the end of each chapter give you a chance to plan your next steps.

Abuse and Safety Issues

If you feel your safety is at risk, or that the safety of your children is at risk, making sure you and your children are safe is the number one priority. All adults have the responsibility to protect children from being victims of abuse or witnessing ongoing violence.

If, for any reason, you believe that your safety or your children's safety is at risk, then some of the strategies described in this workbook may not be appropriate for you to use.

If your partner has:

- Ever physically abused you or your children
- Ever sexually abused you or your children
- Ever threatened to hurt you or your children in any way
- Ever made you feel that if you left, or he/she left, you or your children would not be safe
- Ever threatened to take your children away
- Ever said or done anything else that has made you feel that you and your children are not safe

then contact:

Put the telephone number of your local agencies below for your reference.*

- A Mediator/Family Justice Counsellor _____
- A Native Courtworker _____
- Your Band Social Worker _____
- Your Band Development Worker _____
- Your Band Community Base Worker _____
- Your Family Support Worker _____
- Family Maintenance Enforcement Program _____
- Family Violence Centre _____
- Local Transition House/Women's Shelter _____
- Police/RCMP _____
- Victim Services _____
- Ministry of Children and Family _____
- Family Justice Services Branch _____
- Residential School Healing Services _____
- Lawyer Referral Services _____
- Legal Aid _____

* In addition to calling the police, be sure to call another agency or individual/s to give you support and guidance.

You may need to talk to a lawyer.

Parenting Alone

When there are no violence or safety concerns for a parent or children, the ideal situation for children is to have both parents actively involved. Also, close family, extended family, clan members, elders and the whole community should have a large positive role in supporting children and parents through the separation process and beyond.

If you are parenting alone, you may find the following useful:

- **Tasks of Separating** (page 10),
- **Worksheet 1: Looking into the Future: A Self-Assessment** (page 12),
- **Worksheet 4: Life After Separation: Ways Parents Cope** (page 39).

“First Nations families and communities have since time immemorial placed the well-being of the child as their focus. The child, in any matter before the community, is respected. The child is held as sacred and as one that holds our future.”

Art Dedam of the Assembly of First Nations



Keisha, Nipisikopahk Middle School

2

The Experience of Separating for Adults

It is important that we hear and try to understand how our children feel about the separation process. To do this, we need to look at our own emotional experiences and try to understand them. When we are aware of what is happening with us, we can better help our children.

Losses and Changes



Augustus, Nipisikopahk Middle School

Ending a relationship can be challenging. It can mean:

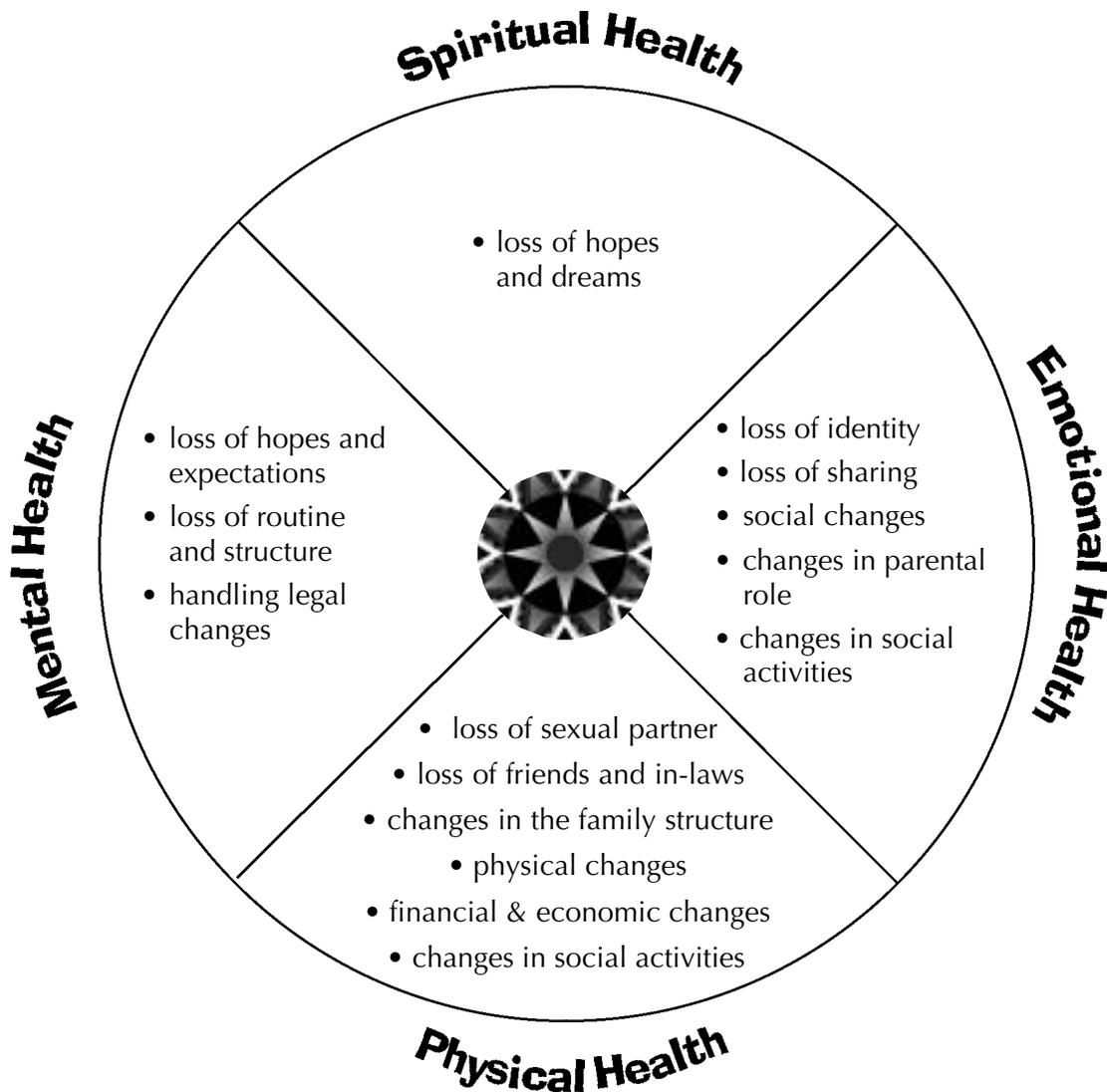
- Developing new parenting arrangements.
- Helping your children make a positive adjustment.
- Dealing with your own emotions.
- Making legal decisions.

Separation is a process that begins long before couples actually separate. The decision to separate was probably one that was not made rapidly or easily. Often couples try repeatedly to make the relationship work before deciding to end it. In the end, most couples do not come to a mutual decision. Usually one partner is more ready to take the final step.

With separation, adults experience loss at many levels. On one level, we lose the person we were once involved with. At another level, we lose the hopes or dreams we had for the relationship. It affects our physical health, mental health, emotional health, and spiritual health. The diagram on the following page outlines some of the losses and changes you may be experiencing.

It may take years to fully recover from a separation. Many Aboriginal communities view the process of recovery as similar to the process of grieving. You might want to talk with Elders, clan members, or others in your community to deal with your grief.

Your children too, are going through a grieving process.



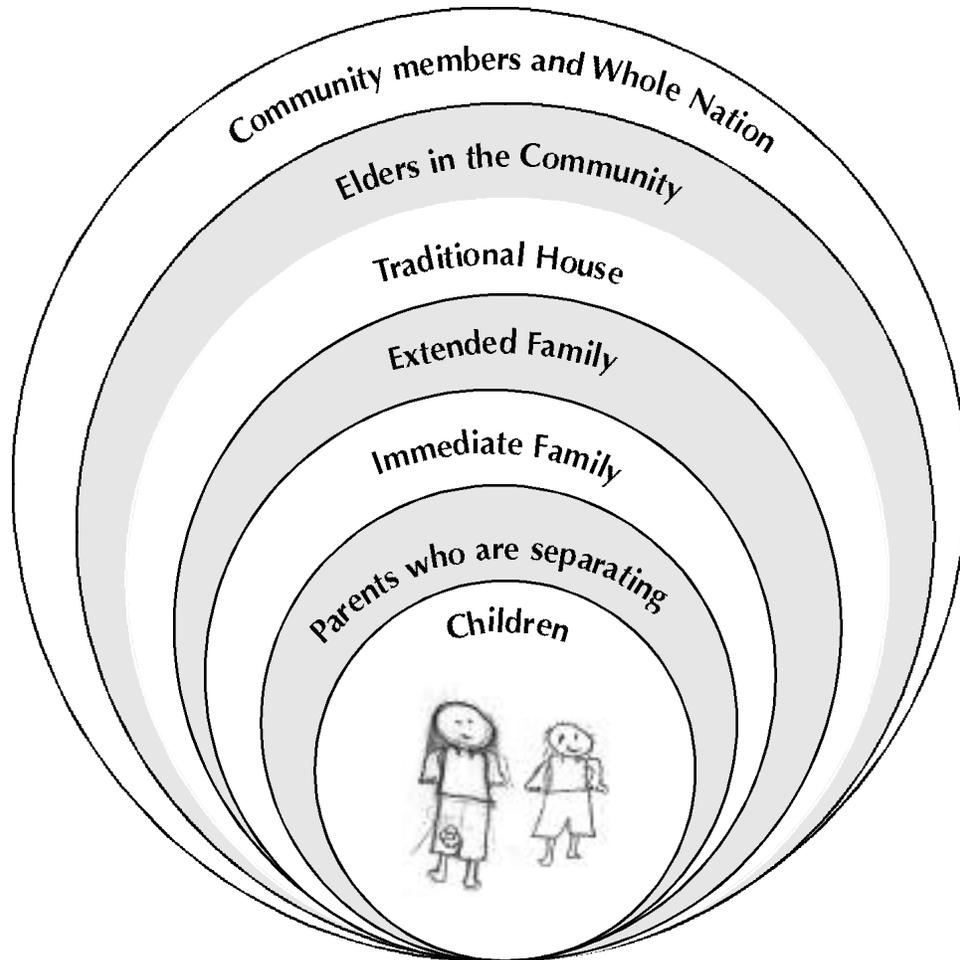
“In a collective society the structure of the society is based on love. We have great love for our children, for our grandparents. In this society there is no tolerance for selfishness, boastfulness, deceit or vanity, but there is a generous amount of forgiveness. Holistic healing thrives on the generosity of the mind, body, spirit, and emotions. These four components must all work in harmony; each is dependent on the other.

“Love is in the centre of this mentality. It feeds only positiveness to all four. It is ready to forgive all ills; it is ready to plant new life through forgiveness; and it is ever so patient in acquiring and maintaining balance in a person. It may take time, but healing will come if the individual is ready to embrace it. The face of the Creator is painted on every leaf; it is carved in every rock and stone. It is our privilege to look for his face.

*Thoughts of Muredna Marshall,
Miqmaq, Nova Scotia*

Children, Families and Community

To support the children and the individuals who are going through the stress and difficulties of separation is important, but separation of parents in a small community can affect everyone. The diagram below shows the support systems that may be available to assist children and separating parents. All of these layers of the community can support and assist children and individuals in their time of need and in the healing process.



“A teaching that existed in many Northwest tribes as well as others was that aunts and uncles were called mother and father; cousins were brothers and sisters. In this extended family system everyone shared the responsibility for a child’s needs. No one person had the sole responsibility for a child. Grandmas and aunties kept a watchful eye to make sure children were treated in the proper way. Children could be corrected by anyone in the community, and so child supervision was everyone’s job. The community acted as a parent.”

Positive Indian Parenting, Northwest Indian Child Welfare Institute

Emotions of Separating

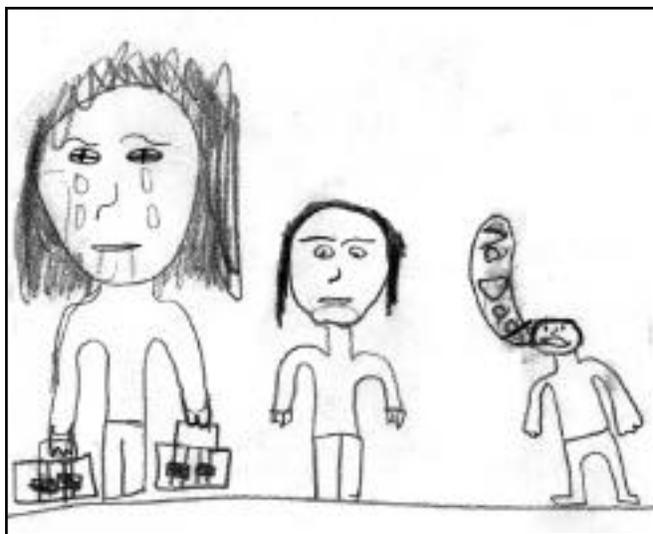
You may feel like you are on an emotional roller coaster.

Remind yourself:

- It is normal.
- It will not last forever.
- You will survive.

Everyone who separates from a partner experiences many different types of emotions. You may feel:

- Depressed
- Anxious
- Difficulty coping
- Angry
- Guilty
- Relieved
- Afraid
- Out of control
- Vulnerable



Colten, Nipisikopahk Middle School

People who are separating say that they experience more than one emotion and that their emotions are unpredictable. You may feel happy and relieved in the morning, but angry and hurt in the afternoon. Most people say they feel shaky and vulnerable. Some feel alone and depressed.

Sometimes parents may feel that they have failed their children, and may doubt their own worth. These emotions and difficulties are often a natural part of getting through separation.

Feelings do not cause behaviour. We have no choice about what we feel, but we do have a choice about how we act on those feelings. We can choose to respond in ways that help the children make a positive adjustment.

How you handle your own feelings and how you relate to the other parent will affect how well your children adjust to the separation.

Example: If you are aware that you are feeling depressed or angry or upset, you can choose what to do about it. You may choose to call on a friend or relative to help with the role of parenting while you take time to deal with your emotions.

Stages of Loss and Grief



These are stages everyone goes through when healing. During separation, you are grieving for the end of your family as you have known it. Your individual healing process may flow differently from this outline.

Healing Principles

Healing means dealing with the things that happened in your past so that they don't interfere with your everyday life. Healing involves maintaining one's balance: physically, mentally, emotionally, and spiritually.

Safety

- safety is being free from physical, mental, spiritual, and emotional threat; a safe environment is needed for healing.
- experiencing fear is part of each individual's life experience, but living in constant fear of abuse or neglect is damaging to healing.
- safety is an individual, family and community responsibility.



Ramona,
Nipisikopahk
Middle School

Responsibility

- responsibility means that you are in charge of your life choices and actions and that you are willing to learn and change how you think about yourself and your behaviour.
- responsibility means understanding that the wounds you received as a child, at the hands of adults, were not your fault; it also means that healing in your adult life is up to you.
- passing of these wounds onto others, by blaming or hurting, interferes with healing.

Respect

- respect is treating others and ourselves in a "safe" manner, and accepting that each adult is responsible for their own choices.
- respect for an individual's choices of how to heal or to protect themselves is important. Lack of respect for different views has sometimes divided families and communities.

Co-operation

- co-operation involves people coming together to accomplish goals of healing which are not possible for one person alone.
- co-operation requires a balance of safety, respect, and responsibility.
- co-operation builds on communal strength to support healing through a balance or sharing of power in the family and community.

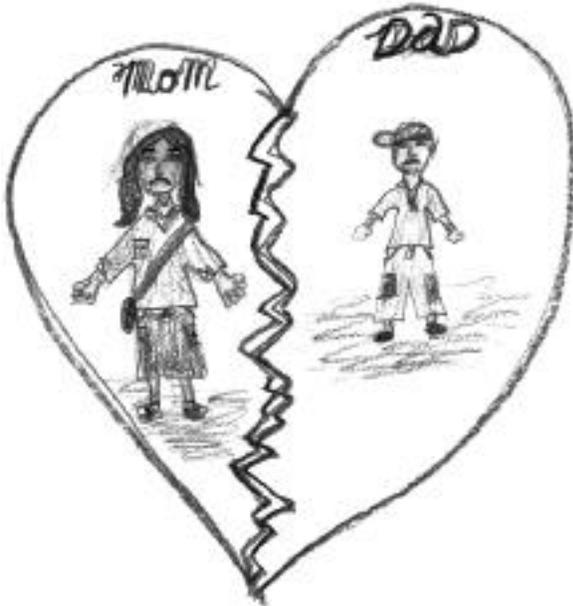
Celebration

For healing, it is important to take the time to celebrate your survival. You have made it this far despite the things that happened to you. Praise yourself for the healing that you have already done.

These principles are basic to healing.

Tasks of Separating

Being able to identify your tasks helps you to separate them from the tasks your children face. It helps you separate **partner** issues from **parenting** issues.



Courtney, Nipisikopahk Middle School

1. Showing sadness

It is important to express sadness over the loss of your partner, as well as the end of hopes and dreams for the relationship. A loss that is not mourned can result in you not letting go of your interest in your former partner's life.

2. Reclaiming myself

This involves separating yourself from the relationship and establishing a new sense of self-identity. It is the move from "we" to "I." It helps to remember the strengths you had before the relationship. It also helps to reach out to trusted friends and family members. You may wish to take advantage of counselling from Elders and other

counsellors to help sort out your feelings. You need to take care of yourself physically as well as emotionally.

3. Resolving anger/resentment

Separation can bring on feelings that can affect you for years. Emotional flashbacks or bitter feelings can be stirred up when you see your former partner or hear about what he or she is doing. It is important to resolve anger and resentment in a healthy way in order to move on. When anger continues, the children can be harmed.

4. Dealing with changes in your other relationships

There may be changes in the way you relate to friends you had as a couple, and to your extended family and your ex-spouse's extended family. You need to deal with these relationships in a healthy way.

5. Dealing with your finances

It is likely that your finances will change upon separation. You may have short-term problems dealing with a drop in income. You will

need a different short-term and long-term financial plan. If necessary, get some advice.

6. Gaining new confidence, and moving on

This task involves finding the courage to try new activities and new roles.

7. Rebuilding

This task builds upon the others. The goal is to create a new, healthy relationship or to have a satisfying life as a single person.



Cody, Nipisikopahk Middle School

Where To Go From Here

Separation is a major change in your life. It can also be a time to plan where to go from here.

With courage and determination, this can be an opportunity for you and your children to learn about yourselves in a new way and to end up stronger.

Look at the next page: **Worksheet 1, “Looking to the Future: Assessing Myself.”**

This worksheet can help you get a clear idea of where you are in the process of separating. It can also help you plan your next steps and move forward.

WORKSHEET 1



Looking to the Future: Assessing Myself

Consider the following questions and think about being a new and happier person.

Who I was

Did I rely on my partner to tell me who I was? yes no

Did I do too many things for his or her approval? yes no

Did my behaviour affect my children? yes no

How did I see myself in the relationship? _____

What I have learned about myself and about parenting my children:

1. _____

2. _____

3. _____

4. _____

Where I am now

Think about the "Stages of Separation" (shock, denial, anger, blaming, transition, acceptance and healing) and then think about your own reactions over the past week. Where are you within these stages?

	Not there yet	Have experienced this	Making good progress
Shock	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Denial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blaming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acceptance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Healing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Think about the "Tasks of Separating" and then think about where you are in the process of working through these tasks.

	Not much Progress yet	Beginning to make progress	Making good progress
Showing sadness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reclaiming myself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Resolving my anger/resentment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dealing with changes in other relationships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dealing with finances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gaining new confidence, and moving on	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rebuilding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Think of how you can work through these tasks:

I can show sadness by: _____

I can reclaim myself by: _____

I can resolve my anger/resentment by: _____

I can deal with changes in other relationships by: _____

I can deal with finances by: _____

I can regain new confidences, move on by: _____

I can rebuild by: _____

Contract with myself

I will review this worksheet in _____ (weeks/months' time) and compare where I am then in my process of dealing with the Stages of Separation and the Tasks of Separating.

3

Guiding Your Child Through the Separation Process

“They had a home where they could feel that they were family and they had loving tender care. Yes, this loving tender care, this was just the true nature of the Indian feeling, the Indian Spirit and the true Indian value, that loving, loving upbringing of children. They used to love to bring up children and to educate children, in their system of education.”
The Sayings of Our People

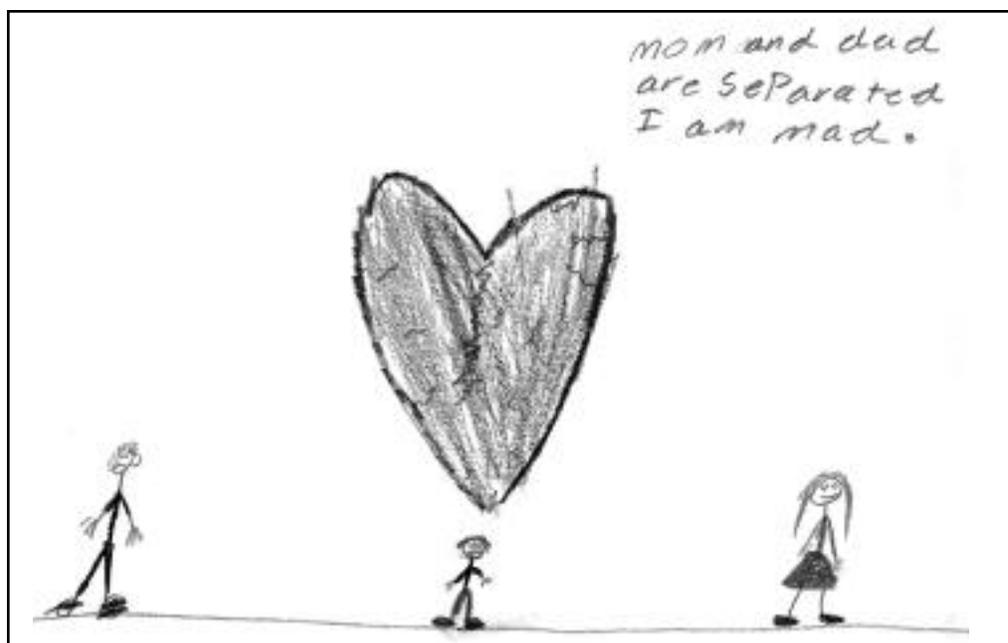
What Children Often Experience

When parents separate, children often feel that the break-up is their fault. If only one parent is involved in the child’s life after separation, children often believe that the other parent is not interested in them either because they are not good, important, or worthy of attention and love.

Children often experience anger, sadness, rejection, and guilt. All of these emotions are confusing. They may also feel relieved, which they then feel guilty about.

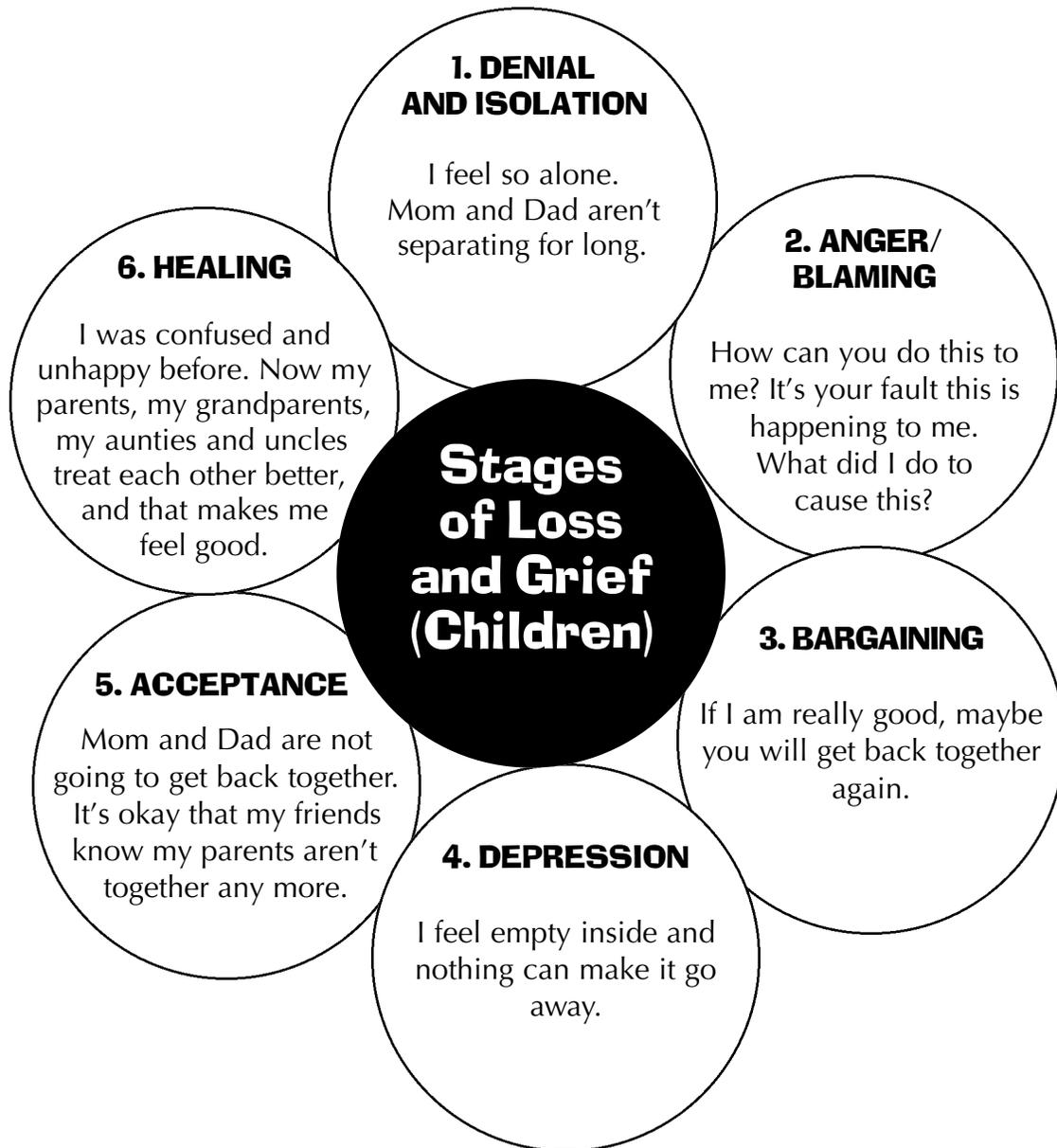
Like adults, children experience stages of loss and grief.

As with adults, children may not go through these stages in order, and the time this process takes will vary from child to child.



Terence, Nipisikopahk Middle School

Stages of Loss and Grief (Children)



“The Aboriginal concept of health...is said to be holistic because it integrates and gives equal emphasis to the physical, spiritual, mental, and emotional aspects of the person. The circle is used to represent the inseparability of the individual, family, community and world... The circle (or wheel) embodies the notion of health as harmony or balance in all aspects of one's life... [Human beings] must be in balance with [their] physical and social environments...in order to live and grow. Imbalance can threaten the conditions that enable the person to reach his or her full potential as a human being.”

*Report on the Royal Commission on Aboriginal Peoples,
Volume 4, “Perspective and Realities”*

Children's Worst Fears

- I did something wrong and that is why Mom and Dad are separating; it's my fault.
- If Mom and Dad loved each other before and now they don't, they might stop loving me too.

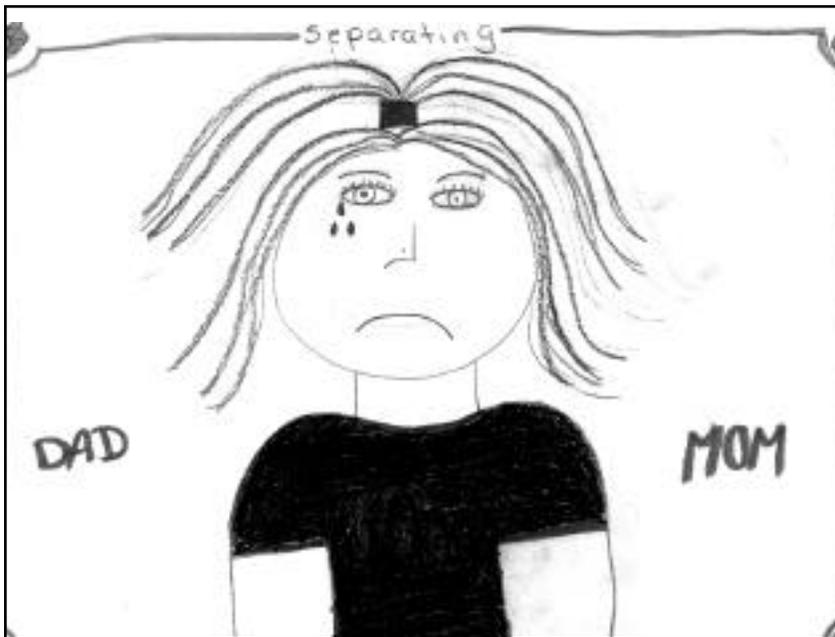
What Children Most Want to Know

- Mom and Dad will continue to love me.
- Mom and Dad will stop fighting.
- BOTH Mom and Dad will be here in my life.
- If I can't have that, at least one of my parents will be here in my life.

How Children Often Respond

In general:

- Pre-schoolers focus on security (who will take care of me?).
- Elementary school children show depression and/or anger.
- Junior high school students ask why, what is going on?
- High school students question whether long-term commitment exists in relationships.



Jamie, Nipisikopahk Middle School

Use the following checklists to see how your children are adjusting to your separation.

Use **Worksheet 2, "Focusing on My Child"** (page 30) to see how you can assist them if they are having problems.



Checklist: Infants (0-18 months)

Issues

- consistency of caregivers, environment, and routine.
- emotional connection with caregiver.
- nurturing and love.

Changes to watch for

- sleeping changes
- eating changes
- clingy behaviour/
difficulty separating

Problem

No problem

How you can help

- maintain consistency in people and routines.
- change routines very gradually.
- avoid fighting or yelling in front of the baby.



Ashley, Nipisikopahk Middle School



Checklist: Toddlers (18 months - 3 years)

Issues

- consistency of caregivers, environment, and routine.
- fear absent parent has disappeared.
- nurturing and love.
- concern about security (who will take care of me?)

Changes to watch for

	Problem	No problem
• increased crying	<input type="checkbox"/>	<input type="checkbox"/>
• trouble getting to sleep/ nightmares	<input type="checkbox"/>	<input type="checkbox"/>
• demanding to be fed by parent instead of feeding self	<input type="checkbox"/>	<input type="checkbox"/>
• changes in toilet habits	<input type="checkbox"/>	<input type="checkbox"/>
• increased anger (temper tantrums, hitting, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
• clinging to adults or security objects	<input type="checkbox"/>	<input type="checkbox"/>

How you can help

- give love and affection.
- tell your children that you love them.
- maintain consistency of people and routines.
- reassure the child that he or she will be cared for.
- provide simple explanations of changes.
- allow the child to express feelings through words or play.
- avoid fighting or yelling in front of the child.



Checklist: Pre-schoolers (3-5 years)

Issues

- fear of being abandoned/rejected.
- doubts he/she is loveable (did Mommy/Daddy leave because I'm not good enough?)
- blame themselves for what happened (did I cause this because I was bad?)

Changes to watch for

	Problem	No problem
• going back to younger sleeping/eating/talking behaviour	<input type="checkbox"/>	<input type="checkbox"/>
• clingy behaviour/difficulty with separation	<input type="checkbox"/>	<input type="checkbox"/>
• increased anger	<input type="checkbox"/>	<input type="checkbox"/>
• fewer emotions	<input type="checkbox"/>	<input type="checkbox"/>

How you can help

- give love and affection.
- assure them verbally (Mom and Dad both say, "I love you").
- maintain consistency of people and routines.
- reassure the child that he or she will be cared for.
- provide simple explanations of changes.
- allow the child to express feelings through words or play.
- avoid fighting or yelling in front of the child.



Checklist: Young School-age Children (6-8 years)

Issues

- missing absent parent.
- dreaming about parents getting back together.
- feeling the need to take the “side” of one parent.
- concern about parent’s well-being.
- guilt that they are responsible for the separation.

Changes to watch for

Problem **No problem**

- | | | |
|---|--------------------------|--------------------------|
| • sadness, grief, crying, sobbing, withdrawal | <input type="checkbox"/> | <input type="checkbox"/> |
| • fear of losing relationship with parent | <input type="checkbox"/> | <input type="checkbox"/> |
| • fear of losing order in their lives | <input type="checkbox"/> | <input type="checkbox"/> |
| • feelings of being deprived | <input type="checkbox"/> | <input type="checkbox"/> |
| • anger and increased aggression | <input type="checkbox"/> | <input type="checkbox"/> |
| • difficulty playing and having fun | <input type="checkbox"/> | <input type="checkbox"/> |

How you can help

- assure them verbally (Mom and Dad will continue to take care of them).
- assure them they will continue to see both parents (if this is the case).
- don’t criticize the other parent to the child.
- give child permission to love other parent.
- don’t put the child “in the middle” (see “**Games Some Parents Play**” page 32).



Checklist: Older School-age Children (9-12 years)

Issues

- see things as black and white; one parent is right, the other is wrong.
- shame or embarrassment about parents' separation.
- the separation threatens their own identity.
- need to overcome a sense of powerlessness.
- feel the need to take the "side" of one parent.

Changes to watch for

Problem No problem

- | | | |
|--|--------------------------|--------------------------|
| • physical complaints (headache, fatigue, stomach ache) | <input type="checkbox"/> | <input type="checkbox"/> |
| • intense anger, especially at parent they see as to blame | <input type="checkbox"/> | <input type="checkbox"/> |
| • taking one parent's side against the other | <input type="checkbox"/> | <input type="checkbox"/> |
| • difficulty with peers | <input type="checkbox"/> | <input type="checkbox"/> |
| • difficulty playing and having fun | <input type="checkbox"/> | <input type="checkbox"/> |

How you can help

- listen to child's feelings and complaints without taking sides or judging.
- don't criticize the other parent to the child.
- encourage the child to see good in the other parent.
- don't fight in front of the child.
- say positive things about the other parent occasionally.
- don't pressure the child to take sides.
- support the child's contact with the other parent (if this is possible).



Checklist: Teens (13-18 years)

Issues

- upset that parents may be unable to provide needed support and limits.
- stormy relationship with parent may worsen.
- very early independence.
- more adult responsibilities at home pull them away from peers.

Changes to watch for

	Problem	No problem
--	----------------	-------------------

- | | | |
|--|--------------------------|--------------------------|
| • school problems; difficulty concentrating, fatigue, etc. | <input type="checkbox"/> | <input type="checkbox"/> |
| • acting out through sex, drugs, crime | <input type="checkbox"/> | <input type="checkbox"/> |
| • depression and anxiety over close/intimate relationships | <input type="checkbox"/> | <input type="checkbox"/> |
| • grief over loss of family and childhood | <input type="checkbox"/> | <input type="checkbox"/> |
| • becoming distant from family | <input type="checkbox"/> | <input type="checkbox"/> |

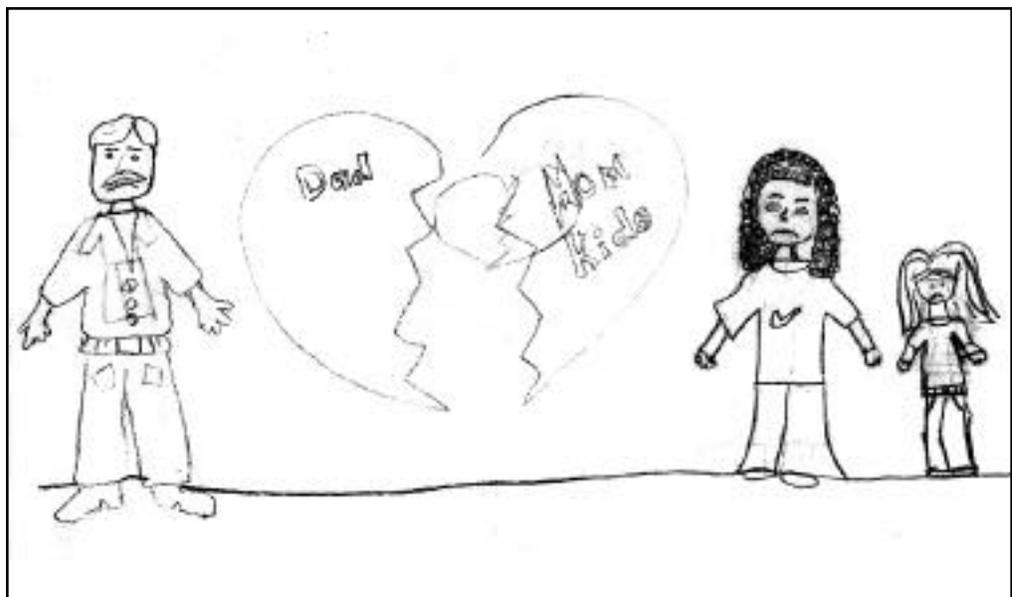
How you can help

- provide opportunities for teens to share feelings, concerns, complaints.
- discuss issues and situations honestly.
- avoid relying on teens for emotional support.
- don't pressure teens to choose sides.
- say positive things about the other parent occasionally.
- allow teens to have appropriate friendship and peer activities.

How to Tell the Children

The separation itself is not as upsetting to children as the conflict and confusion that may surround it. Tell the children only when you have made clear plans about what will be happening to them.

- Tell your children together, if you can.
- Pick a time and place where there will be no distractions or interruptions.
- It may help to tell all your children at the same time, rather than separately, so they can provide support to one another.
- Discuss your future living arrangements. Tell them they will be loved in two homes now, if that is going to be the arrangement.
- Talk about their particular needs such as friends, toys, and school.
- Allow your children to show grief and sadness and invite them to talk it out, draw it out, write it out, or cry it out.



Chantelle, Nipisikopahk Middle School

What Children Need to Hear

Telling the children may be the most painful part of the entire separation process. Here are some statements you may find useful to make together. If you are speaking to your children without the other parent, you can adapt them. (Some of these statements may not work if you have concerns about safety.)

- “You did not cause the separation/divorce.”
- “We are not going to ask you to take sides.”
- “You will continue to be loved, taken care of and provided for.”
- “When we married/began living together, we loved each other and believed things would work out.”
- “The divorce/separation was not an easy decision. After a lot of effort to save the relationship, we decided we could no longer live together.”
- “While our feelings for each other as husband and wife have changed, the special relationship between parent and child goes on forever.”

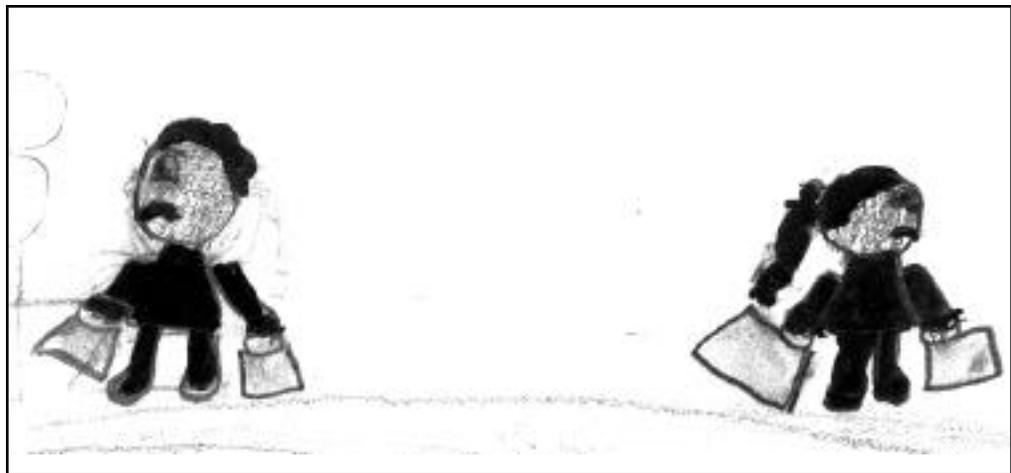


Erica, Nipisikopahk Middle School

- “Dad and Mom won’t be married or living together anymore.”
- “Relationships with parents, siblings, grandparents, aunties and uncles, and other relatives will continue. Sometimes though, these relationships change.”
- “You may wish we’d get back together again, but that is not going to happen.”
- “We are sorry for the hurt this decision is causing you.”
- “We will never stop loving you. Never.”

What Children DON’T Need to Hear

- The separation is the other parent’s fault.
Don’t give children the message that one parent is the “good guy” and one the “bad guy,” even if you feel that way.
- Details of what went wrong.
Children don’t need information about affairs, money problems, personality problems, etc. Children are burdened by this information.
- Negative statements about the other parent.
Saying negative things about the other parent puts children in emotional conflict.



Vanessa, Nipisikopahk Middle School

How To Help Your Children

1. Keep a structured and regular routine, similar to what existed before.

Stick to a daily routine with your child. Make changes slowly and talk about them. Encourage your child to play with friends and have a normal life. Try to keep your child's environment as stable as possible. It is not a good idea to make too many changes at one time.

Example: Your child may be getting used to having only one parent at home every night. Moving into a new home or going to a new school may be too much for him or her at the same time.

Maintain rituals around birthdays, holidays, etc. This helps provide a sense of security and helps your children plan and look forward to family events.

Help children feel free to ask questions. Tell them about changes well ahead of time. Children want to know what is going on in their lives.

Encourage your children to be involved in school activities, sports, after-school programs, etc.

Talk to your children honestly about changes or moves that will affect them before they happen.



Terence, Nipisikopahk Middle School

2. Don't fight and yell in front of your children.

It is important that you protect your children from seeing arguments or violence between you and your partner. If you are experiencing strong feelings about the separation, you may wish to find a support group or speak to an Elder who can help you work through your feelings, away from the children.

3. Encourage children to express their feelings.

During this time, children may feel sad, scared, and lonely. Helping them express their feelings allows children to know that it's okay to have feelings. Then tell them you will always be there to love them and take care of them. When you think about your child's feelings, you are letting them know that you realize how they are feeling.

4. Allow time for children to grieve; mirror their feelings.

Like you, children are grieving the loss of the family as they have known it. Many of their feelings of anger and confusion are like the feelings you are experiencing yourself.

In their grief, children may express feelings of anger towards you. Try not to take them personally. Your child is trying to make sense of the separation. When your child is upset, you could try to use “mirroring.” Mirroring is simply stating back what your child has just said. For example, “I hate you Mommy. You made Daddy leave.” You can mirror this back: “Right now you feel like you hate me because you think I made Daddy leave.” Mirroring can help a child to feel heard.

5. Tell them you love them and it was not their fault.

Your children need support now more than ever. Children need to hear, over and over, that you love them no matter what happens. Explain to them that while the love adults have for one another can change, the love a parent has for a child can never change.

Tell your child that the separation was not his or her fault. Tell him or her it is okay to feel sad about the changes. Avoid making your children take sides. Some children may feel guilty for having a good time with the other parent.

6. Set limits on their behaviour.

Children need limits. They need a stable home life with clear rules and a parent they can depend on to be consistent about the limits. Sometimes they test these limits. However, in maintaining limits you are helping them feel secure. Children who have chores appropriate to their ages and abilities are better able to adjust to change.

When to Get Help for Your Children

It is time to seek professional help when:

- **A child’s distress and problems are constant and ongoing.**
- **A child’s symptoms get worse over time.**
- **You feel unable to cope with your child.**

To get help, start by contacting some of the groups listed in the **Resources** section, page 62.



Checklist: Helping My Children

Check off the ways in which you are helping your children adjust. Underline the things you want to work on.

- I tell my children that this separation is not their fault.
- I do not speak badly about my partner to my children.
- I try to avoid arguing in front of my kids.
- I try to agree with the other parent about how to discipline the children.
- I am making special efforts to spend time alone with each child.
- I tell my children that it is okay to love their other parent.
- I do not compare my child to my former partner.
- I do not blame my children's concerns, fears, and problems on the other parent.
- I am trying to help my children not feel shame about the separation or divorce.
- I understand that separation or divorce does not make me a failure.
- I have let my children's teachers know about the separation so they can help the children.
- I am not making too many changes in my children's life at once.
- I am dividing up family chores so that they get done.
- I do not ask my child who she or he wants to live with or loves more.
- I am encouraging my children to resume their normal activities.
- I understand my children's hope that we will get back together.
- I am trying to maintain as much emotional control as I can.
- I am not turning my child into my adult friend.

Photocopy the **Tips for Children** on the next page, and share it with your children.



TIPS FOR CHILDREN: Surviving Your Parents' Separation

When parents separate, children have a difficult time. Here are some tips from children who have been through it:

1. **IT'S NOT YOUR FAULT.**
Don't feel guilty about the separation or when your parents argue. It's not up to you to get them to stop.
2. **THINGS WILL GET BETTER.**
Life at home won't always be like this.
3. **DON'T TRY TO SOLVE YOUR PARENTS' PROBLEMS.**
Don't take sides. If one parent asks your opinion or advice about the other, say, "I think I'd better stay out of this."
4. **LEAVE WHEN YOUR PARENTS ARGUE.**
If you can, do something that helps take your mind off it. Call a friend, put on a CD or video, or get out of the house.
5. **THESE EXPERIENCES ARE REALLY HARD ON EVERYONE.**
You're not crazy to feel the way you do.
6. **DON'T KEEP YOUR FEELINGS INSIDE.**
Find someone you can trust and talk to: your schoolteacher, school counsellor, family doctor, or a family member that you trust.

You can also call the **Kids Help Phone: 1-800-668-6868** any day at any time. Here you can talk to a counsellor who will give you support and information. Or you can check out the website: www.kidshelpphone.ca. You can also visit www.familieschange.ca which provides resources of kids and teens on separation and divorce.

7. **ASK YOUR PARENTS FOR WHAT YOU NEED.**

For example:

- Please spend some time alone with me, even five minutes of my very own time (not related to school, cleaning my room, etc).
- Don't get angry when I say I want to live with my other parent. When I say it, I am angry, hurt and scared and I really miss my other parent.
- Let me tell you what *I want to* about my visits with the other parent. Sometimes I'm afraid I'll hurt your feelings if I say I had a good time.
- Please don't call me the "man" or the "mother" of the house; I need to be a child.
- Please trust me if sometimes I don't want to talk. You may be ready to talk when I'm not.

WORKSHEET 2



Focusing on My Child

Use this worksheet after you have completed the Problem/No Problem checklists (pages 17-22). If you have identified problems, you can get help from the **Resources** on page 62.

1. How well is my child handling the issues that are listed for his/her age group?
 -
 -
 -

2. If my child could change things about our situation (except getting me back with my ex-partner) what would they be?
 -
 -
 -

3. His/her behaviour changes that are a problem:
 -
 -
 -

4. I plan to help my child deal with these problems by:
 -
 -
 -

5. If I need more help to deal with these problems, I will ask for help from:
 -
 -
 -

Contract with Myself

I will review this worksheet in _____ months and make note of what I have done to deal with the problems above.

4

You and the Other Parent

This chapter is about moving away from an intimate relationship with the other parent to a “formal” relationship which is focused on the children.

“Aboriginal cultures share a belief that people must live in respectful, harmonious relationships with Nature, with one another, and with themselves. The relationships are governed by what are understood as laws, which are gifts from the creator. The laws are fundamentally spiritual, imbuing all aspects of life. As fundamental as this perspective may be, each Aboriginal culture expresses it in its unique ways, with its own practises, products and knowledge.”

Voice of the Elders, June 2000 Western Canadian Protocol Framework for Aboriginal Language and Culture Programs

“Thanks for taking me to the zoo even though you’re not together anymore.”

Children need both parents and both families and will benefit from a respectful and co-operative relationship between both parents and both families.



Joe, Maple Drive Junior Secondary

You may wish your former partner would disappear from your life, but when you have children, this is not possible.

Separation ends your relationship with your partner, it doesn’t end the parenting.

Parents who are separating often do not know how to act around each other.

Parents may find their former feelings of love and trust changed into anger and resentment. Some try to avoid dealing with anger by not speaking. Others explode with angry arguments when they do speak.

If safety is not a problem, practising good communication skills can help the children.

To do this, you must begin by rethinking your role. Do not think of being a partner, you must now think in terms of being a parent.

You must move away from an intimate relationship to a more “formal” relationship with your former partner.

Relationship Changes

INTIMATE

Many assumptions

A lot of emotions and personal involvement

Not much privacy

Share a lot of information

Unspoken and/or unwritten expectations

FORMAL

No assumptions

Less emotion and personal involvement

A lot of privacy

Do not share a lot of information

Detailed agreements and/or court orders

After the separation, you need to communicate about the children without having the same old fights. It may feel strange at first to only talk about issues affecting the children, but in time it will feel more natural.

“Games” Some Parents Play

Sometimes parents play “games” that put children in the middle of their battles. The children can be hurt by these “games”.

These “games” are often a result of feelings of anger and hurt about the ending of the relationship which have not been dealt with. It is important to deal with your emotions and to change to a new, “formal” way of communicating with the other parent.

Here are some common “games” parents play:

1. The nasty game

Threatening to get what you want. “If you don’t pay child support on time I won’t let you see the kids.”

When you behave in this manner, you are focusing on your relationship with your former partner. You must focus on your child’s needs, not your feelings.

2. The messenger

Telling the children to take messages to the other parent. "Tell your father to get the support payments to me on time!"

Being a messenger is a painful burden for children. Parents must communicate directly with each other.

3. The set-up

Interfering with the time the other parent has to spend with the child.

Example: Dad telephones son and tells him he has tickets to a game but it's not happening on the weekend of their regular visit. Dad tells the son to ask his mother. Mom in turn says no. The child is then angry with Mom for not allowing the treat.

4. I spy

Trying to get information about the other parent. "Who is your father seeing?" "Who does your mother have over to the house?"

Children do not like being used, being asked to break the trust of a parent, or bearing the anger of a parent who is upset with the information.

5. I wish

Dreaming about what things would be like if the family were back together. A child may tell a parent how nice it would be to be all back together. The parent agrees that would be good. Doing this may give the child false hopes of getting back together.

6. Expensive parent

Buying expensive gifts or taking the kids on expensive outings. Often the parent who buys the gifts cannot afford them, but feels they are the only way to connect with the kids. Children may come to expect special gifts, treats, and rights on an ongoing basis. They may not



Celestine, Nipisikopahk Middle School

develop a realistic relationship with the parent or a realistic view of family life.

7. Party pooper

Criticizing the child's visit with the other parent. For example, the child has just returned from a trip to the zoo. The other parent criticizes everything they did. The child ends up feeling bad about the day.

8. Put downs

Putting down the other parent in front of the children. Parents may do this for two reasons. Either they feel that this is the only way they can win the child's affection or they are relieving built-up anger. Either way, this only hurts the child. Because children experience themselves as made up of both their parents, they feel an angry remark as an attack on part of themselves. A put-down directed at the other parent affects the child as well, causing pain and lowered self-esteem.

Dealing With the Other Parent

Where safety issues are not involved:

1. Accept the idea that you will be parents forever; the family is not ending, it is being reorganized.
2. You still share love and mutual concern for your children. This is the new basis of your relationship.
3. Separate the children's needs and concerns from your own. Your child does not experience your former partner in the same way you do.
4. Create new limits in the relationship with your former partner. Do not use old patterns, create new ones.
5. Behave toward your former partner as your "business partner" in raising the children, not your mate.
6. Focus on the strengths in your relationship – what you have done well together as parents – and build on those strengths.

Worksheet 3 on page 37, "**Practising Positive Communication Skills**" will help you.



Checklist:

Communication Tips for Separating Parents

Check off the tips you should work on.

- Keep talk brief, and centred on child-related issues.
- Be clear and specific about what the problem is.
- Never communicate through the child.
- Be courteous and respectful and act like a guest when you are in the other parent's home.
- Don't expect appreciation or praise from the other parent.
- Avoid blaming yourself or your ex-partner for what happened in the past.
- Don't discuss relationship issues.
- Do not fuel each other's anger.
- Remain calm and don't react.
- Have possible solutions ready.



Tessa, Nipisikopahk Middle School

Negotiating Informally With the Other Parent

Sometimes parents can agree by negotiating. You may be able to work out an agreement that is in the best interests of the children and that you can both accept. Consider putting your agreement into writing after getting legal advice.

If you feel threatened by the other parent, do not negotiate on your own. Consult a family justice counsellor, a Native court worker, your band social worker, your family support worker, a counsellor or an Elder.

Guidelines for negotiation

1. Before you get together, gather all your information and facts.
2. Choose a neutral place and a time when you can talk without interruption.
3. Decide together on rules for how you will talk respectfully to each other. For example, you may both agree you are going to stop the meeting if either of you starts blaming the other for the separation, interrupting the other, or raising your voice.
4. Speak clearly about what child-related issues you want to discuss. Stay focused on the topic. Don't bring up past faults and problems.
5. Ask the other person for their point of view. Listen carefully to what the other person has to say. If you don't understand, ask for more information.
6. Look at solutions together and give your solutions as suggestions rather than demands.
7. Make sure both of you agree on the solution. Specify who will do what, when, and where. For example, if the agreement is about when the other parent will spend time with the children, you need to have a written plan about how and where the transfer will take place, and what time the children will go and return.
8. Plan to meet again to review how the agreement is working.
9. At the end of the meeting, give positive comments such as, "I feel better about this," and "I'm glad we were able to work it out together."

“Respect means listening until everyone has been heard and understood, only then is there a possibility of ‘Balance and Harmony’ – the goal of Indian Spirituality”

Dave Chief, Aboriginal Elders Teachings Archive, October 1998

WORKSHEET 3



Practising Positive Communication Skills

1. Here are two sample conflict situations. Compare the positive and negative responses.

- A. When your former partner has the children, they eat all sorts of sweet treats and stay up too late.

Negative response:

Tell the kids what a lousy parent he is.

Positive responses:

Deal directly with him about his behaviour. In a calm voice, tell him that the children need to eat balanced meals and go to bed at their regular times. Discuss possible solutions to the problem with him, such as planning meals and shopping ahead.

- B. You discover your former partner has been asking your 12-year-old son for information about your new girlfriend.

Negative response:

Tell your son to get some “dirt” on his mother’s social life.

Positive response:

Tell your son that next time he can ask his mother not to put him in this situation.

Listen to how your son may be feeling. Speak with your former partner directly about the problem.

Practice positive communication skills. In difficult situations, you can use these skills to handle conflict responsibly.



2. Try providing positive responses to this conflict situation:

Mary, Joe and daughter Lee

Mary and Joe separated eighteen months ago. They have a daughter, Lee. Yesterday, Joe brought Lee back four hours late from a weekend access visit.

Joe claims they were late because he had to deliver dried fish to his grandmother. But Lee has told Mary that they were late because Joe's new girlfriend came over and made dinner.

Now Mary is on the phone at the kitchen table. Mary is crying and yelling over the phone at Joe, calling him a liar.

Lee is sitting at the table listening to her mother.

If you were Mary, how would you respond to Joe's behaviour and Lee's feelings?

3. Think of some examples of conflict situations between you and your former partner.

List some positive responses to the problems:

Conflict Situations

Positive Responses

- | | |
|---|---|
| • | • |
| • | • |
| • | • |

WORKSHEET 4



Life After Separation: Ways Parents Cope

Over 40 per cent of relationships end in separation. Here are some ways that parents cope. Check off the options below that you wish to work on.

PARENTING

- Establish a flexible routine with your child and stick to it.
- Enroll your child in an activity he or she enjoys.
- Get a babysitter so you can have a regular night out.
- Reserve a time each week that you and your child can look forward to sharing.

EMOTIONAL AND PSYCHOLOGICAL

- Share your feelings and experiences in a support group.
- Get professional help with any area of your life that seems to keep you off balance.
- Help others as a volunteer or friend. In doing so you will feel good about yourself and may learn more about yourself.
- Look at your behaviour and decide if it keeps you from being a better parent.
- Attend a cultural event or a self-help event.

PHYSICAL

- Exercise daily, or as often as possible.
- Go camping with groups or clubs.
- Join an exercise class or start one yourself.
- Join a sports team.
- Other

ENJOYMENT AND SOCIAL

- Join a social club.
- Pursue single-parent activities within your community, church, or at work.
- Read a good book, learn to play an instrument.
- Try a hobby you really enjoy.
- List things you've enjoyed doing in the past or things you might enjoy doing in the future.

1. _____
2. _____
3. _____

SELF APPRECIATION

- Compliment yourself when you've done a good job of parenting
- Don't compare yourself with other parents who appear to be perfect. (Chances are, they aren't.)
- Ask for help when you need it, you deserve it!

5

The Legal Issues

When you separate, you need to make some very important decisions:

- Who the children will live with?
- What role will the extended family have after separation?
- Who will decide:
 - How much child support should be paid?
 - What school the child will attend?
 - How the child will be raised spiritually?
 - Which doctor the child will see?
 - When the children will see the parent they do not live with?

In the Best Interests of the Child

Decisions about children must always be made **in the best interest of the child**.

It is in the best interest of the child to have a close, stable and ongoing relationship with both parents whenever possible. Sometimes this is not possible, especially in cases where there is violence or abuse against a parent or child.

If it is possible for both parents to maintain a close relationship with their child, the child benefits greatly because he or she can get:

- Support to deal with separation.
- Help to become emotionally healthy.
- Relief from feeling divided loyalties.
- Help to lessen any guilt that he or she may feel.
- Continued parental authority.
- Parents willing to provide support.
- Continued relationships with his or her extended family.
- A demonstration that the parents can unite around parenting despite their personal differences.



Lenora, Nipisikopahk Middle School

Legal Support for the Best Interests of the Child

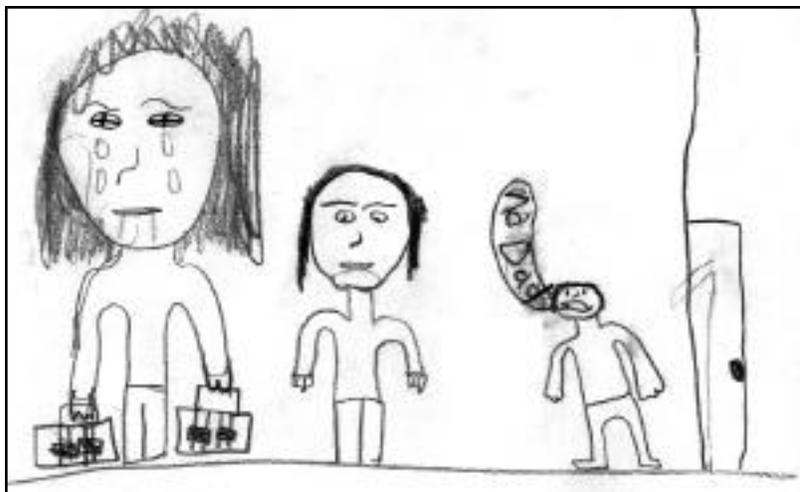
How the judge decides:

The law says that the judge must decide what parenting arrangements would be in the “best interests of the child.” The judge considers:

- the ability of each parent to care for the child;
- the quality of the relationship the child has with the person(s) wanting custody (the love, affection, and similar ties);
- the physical, social and economic needs of the child;
- the personality, character and emotional needs of the child;
- the proposed home environment;
- the plans that the person wanting custody has for the future of the child; and
- the wishes of the child, depending on the child’s age and level of maturity.

Note: Aboriginal parents living on a reserve are subject to the general application of provincial laws provided these laws do not conflict with the Indian Act.

- All legal issues about parenting focus on what is in the best interest of the child. For the most part, this applies to an Aboriginal person regardless of their status.
- A Metis or non-status Indian person comes under provincial family law.



Colten

Parenting Arrangements

Custody

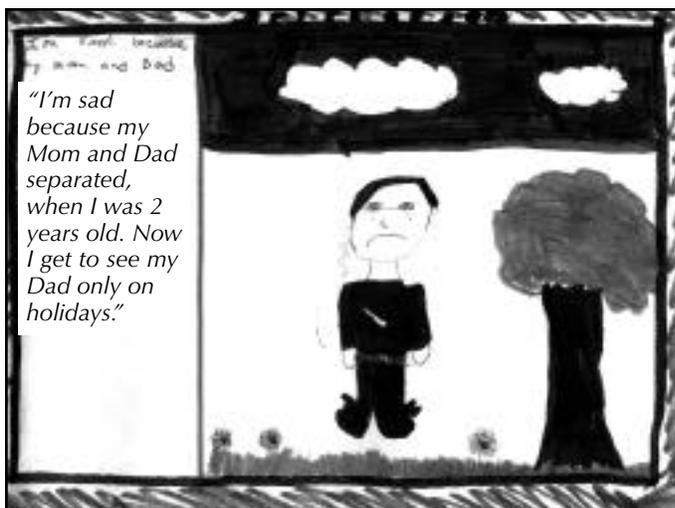
When parents live together, both parents have custody of the child. Having “custody” of a child allows a parent to make the major decisions for the child such as the child’s education, religion and medical treatment and managing the child’s property.

When parents separate, there are four possible custody arrangements:

- *Sole custody*: One parent has the responsibility of caring for the child’s day-to-day needs and making the major decisions that affect how the child is raised.
- *Joint custody*: Both parents are able to jointly make the major decisions that affect how the child is raised. Under a joint custody arrangement, the child can have a primary residence with one parent, or the child can live a portion of time with both parents.
- *Shared custody*: The child lives at least 40% of the time with each parent. This is a term used in the *Child Support Guidelines*.
- *Split custody*: Each parent has one or more children residing with them.

A judge may make any of these arrangements into a court order. In some instances interim or temporary orders are made - referred to as interim orders, especially if things are in a state of flux/change.

If there is a change in circumstances you can apply to have your order changed.



Winter, Nipisikopahk Middle School

Access

This is the child’s right to spend time with the parent that they do not live with. Other adults, who the child does not live with, can also have access. For example, a grandparent can have access.

An agreement or court order can detail the access days, and times that the visiting parent can see the children. Agreements that detail the exact access arrangements allow

children to know what to expect and parents to know what is expected of them. This lessens the potential for conflict.

An agreement or court order can describe access as reasonable or generous, which leaves it up to the parents (or children, if they are older) to decide when access will take place. This type of access works well for parents who can communicate well. Some people find “reasonable and generous” access vague, which may lead to misunderstanding or conflict.

When abuse or violence is involved, the court may order access to be supervised. When the child may not be safe in a parent’s care, the court may order no access.

Access is Not Tied to Child Support

There is no link between the child’s right to see both parents and the paying parent’s responsibility to make regular child support payments.

Child Support

Child support is the right of the child. When parents separate, each parent has the legal duty to financially support the child. Usually, the parent who does not live with the child pays support to the other parent to assist with some of the child’s financial needs.

In most provinces, children are entitled to support if they are:

- under 19 (under 18 in some provinces); or
- over 19 (over 18 in some provinces) and still require support because of illness, disability, attending school or other reasons.

Child Support Guidelines

The *Child Support Guidelines* are legal rules that determine what the fair amount of child support should be, by considering;

- The income of the paying parent,
- The number of children, and
- The province where the paying parent lives.

The *Child Support Guidelines* are designed to:

- Ensure children continue to be supported by both parents after separation,
- Reduce conflict and tension between parents by having rules determine child support,

- Make it easier for parents to calculate an amount for child support, and
- Ensure that children are treated the same everywhere in Canada.

How Much Child Support

You can find the basic amount in the **Child Support Tables** attached to the *Child Support Guidelines*.

- To find the amount, you must know how much money the paying parent earns, and how many children there are.
- The taxable income can often be determined by looking at the payer's income tax return.
- Each province and territory has its own set of tables for calculating support.

When Support Amounts Can be Changed

If the child has special or extraordinary expenses, the court may order that a higher amount of child support be paid.

These expenses can include childcare, health-related and education expenses, and the cost of a child's after-school activities.

If the support amount causes difficulty for either of the parents or the child, then either parent can ask the judge to change the amount.



Angie, Aatse Davie School

What May Affect Child Support

- If the paying parent does not pay taxes because he or she lives or works on a reserve, the Child Support Tables do not automatically apply. In these cases, child support is determined by an agreement between the parents or by the court.
- If the paying parent has the child in his or her care at least 40% of the time, the tables may not apply.
- The *Indian Act* makes some provision for the support of dependents. For example, the Minister may make an order that an Indian person's annuity or interest money be paid to the spouse or family (Section 68).

- Sometimes the *Indian Act* may be used to protect the property interests of an Indian child living on a reserve. The Minister can administer or provide for the administration of entitled property of an Indian's infant child or may appoint a guardian for this purpose (Section 52).

Income Tax Rules

As a general rule, if your child support order or agreement was made on or after May 1, 1997, these rules apply:

- Parents who pay child support do not deduct the child support from their income.
- Parents who receive child support do not declare it as income.

There are different rules for child support orders made before May 1, 1997. You can get more information from the resources listed at the end of this Handbook and from Canada Revenue Agency at 1-800-959-8281.

Income earned by a status Indian while working or living on a reserve is not taxed. This may affect the *Child Support Guidelines*. If you or the other parent is a status Indian, think about this when you are calculating your income.

Find Out More About the *Child Support Guidelines* and Tables

You can get detailed information about the *Child Support Guidelines* by calling the toll-free Child Support Infoline: 1-888-373-2222. To get the correct table, tell them:

- where the paying parent lives
- whether both parents live in the same province or territory, and
- the number of children to be supported.



Chantelle, Nipisikopahk Middle School

The Justice Canada link to *Child Support Guidelines*: www.justice.gc.ca/en/ps/sup/grl/glp.html

The Family Justice Services link: www.ag.gov.bc.ca/family-justice/help/counsellors/index.htm

The Family Justice Services Centre can help you calculate the amount of child support.

Develop a Parenting Plan

Parents who can continue to parent together often develop what is called a Parenting Plan.

This is a document that explains the decisions you have made about caring for the children. For example, a Parenting Plan describes:

- how each parent will spend time with the children.
- how you will share information with the other parent.
- how you will make decisions about the children.
- how you will deal with other parenting issues.

Develop a Parenting Plan using the **Sample Parenting Plan Issues and Sample Parenting Plan** on pages 60 and 61 and **Worksheet 5** on page 56.

How to Decide on a Parenting Plan

When you are deciding what parenting arrangements are in the child's best interests you have three options:

1. You and your partner can reach an agreement.
2. You and your partner can get help to agree by using a neutral third party such as a mediator.
3. You can get a lawyer to represent you in court.



Advantages of an Agreement

AGREEMENT

vs.

GOING TO COURT

Not very expensive

May be expensive

Usually takes less time

Usually takes more time

Co-operative

Competitive

You decide

Judge decides

Win/win emphasis

Win/lose emphasis

Narrows personal differences

Widens personal differences

It is always in the child's best interest to work together if possible. But if you and the other parent cannot agree, or there is abuse in the relationship, it is best to allow a judge to decide.

If you go to court, you will give evidence about what the child's needs are and what parenting arrangements will work for your family. Gather all the information that may be relevant, such as the child's report cards, medical reports, letters from childcare providers and coaches, etc.

If there is a power imbalance or abuse in the relationship, you may need special assistance when you are deciding what parenting arrangements are in the child's best interests. Talk to a lawyer or a family justice counsellor.

"Sometimes I visit my Dad.

Sometimes I visit my Mom."



Richard, Nipisikopahk Middle School

Option 1: You and Your Partner Agree

If you and your partner can talk openly and agree about plans for the child, and there are no safety issues involved, you can develop a Parenting Plan together. You can use the **Guidelines for Negotiation** on page 36, and the **Parenting Plan Worksheet** on page 56.

Legally, it's not necessary to have a separation agreement or a court order. But, by writing it down, everything is clear and there is less chance for confusion or problems later. You can make a written agreement and file it with the court. In the event that the agreement breaks down, you may then have grounds to enforce it.

What is a written agreement?

- A written agreement is a contract between you and your partner that says what you both have agreed to.
- A written agreement can include all your decisions about custody, and access, and about child support. It can also include your decisions about how you are going to divide the things you own, and whether one parent is going to contribute to the financial support of the other.
- You and your partner can put whatever you want in an agreement. For example, the agreement can say who has custody, and what the access arrangements are.
- The child support must follow the **Child Support Guidelines** (see page 43). All of these decisions must be in the child's best interests.
- Make sure both you and your partner sign the agreement. It's also a good idea to see a lawyer before you sign an agreement, to make sure that you have protected your rights. *You should both see different lawyers.*
- It's a good idea to file the agreement with the court. If there are problems later, you can show a judge what you and your partner agreed to. Judges take these agreements very seriously, especially if you both had legal advice.
- You can also make your agreement into a consent order, which is a formal order a judge makes in court to affirm the agreement before signing the agreement.

Option 2: Get Help to Agree

Who Can Help

Find out whether people who can help you reach an agreement are available in your community by contacting your Band Council Office.

A. Family Justice Counsellors

Family justice counsellors are trained to deal with family problems. In many communities, they are available at Family Justice Service Centres which offer services related to separation. Their services are free.

They can:

- provide counselling to help you deal with your emotions;
- help you understand the process of applying for a court order;
- provide mediation or work with you in separate meetings;
- help you prepare a consent order or separation agreement;
- give you legal information and refer you to other services that may help.

B. Private Mediators

Family mediators in private practice can help you come to an agreement, which a lawyer can finalize. *This will cost money. The BC Mediator Roster Society has a list of qualified family mediators. Check their website at www.mediatorroster.bc.ca.*

C. Lawyers

Lawyers who have special training in family law can:

- give you legal advice about all the issues;
- help you negotiate a settlement;
- help you understand the process of applying for a court order;
- provide mediation;
- help you prepare a consent order or separation agreement;
- give you legal information and refer you to other services that may help;
- represent you in court, if necessary.

This will cost money. In some cases, you may be able to get a lawyer who is paid for by Legal Aid.

Using a Mediator

A mediator is an impartial person who can help you and your former partner develop a plan to deal with the legal issues around separating. A family mediator sits with you and your partner and helps you discuss the issues and work through your problems to reach an agreement. You

and your former partner make all the decisions. The sessions are confidential.

Family Mediators:

- can help parents communicate with each other about child-related issues.;
- can help parents solve their own problems rather than having a judge impose a decision in court;
- can cost less than court hearings and trials;
- may help you reach a decision far more quickly than if you went to court.

Mediation is Not Appropriate When:

- One person does not want to participate.
- One person does not feel safe with the other person.
- The relationship is or was abusive.
- The child is at risk of being seriously harmed.

Separate Meetings

Separate meetings is like mediation, but you do not have to be in the same room as your ex-partner. The family justice counsellor or mediator talks to you, then talks to your partner separately. You negotiate through the family justice counsellor or mediator.

If you feel threatened by your former partner, separate meetings may be an option.

Choosing a Mediator

It is important to find someone you feel comfortable with. You need to feel you are being heard and that your input is being taken very seriously. You need to ask about the person's qualifications and experience, including his or her experience in dealing with Aboriginal families and their issues.

If you don't feel comfortable, try another mediator.

Use mediation or separate meetings even if you are going to court.

People often use mediation or separate meetings *while* they are proceeding with their court case. When something is discussed in mediation you can obtain independent legal advice at the same time. If both of you can manage to agree, you can avoid a trial.

Option 3: Have a Lawyer Represent You

Only a lawyer can give you legal advice. A lawyer can also represent you in court.

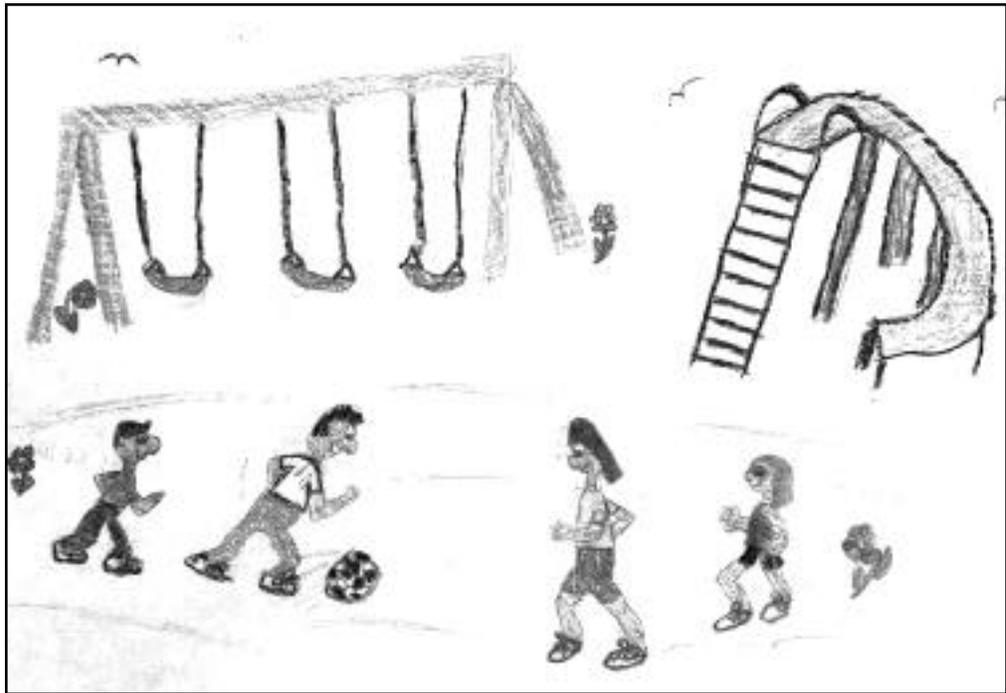
If you and your partner cannot agree or if there is abuse in the relationship, you may need to go to court and ask a judge to make a court order to deal with parenting decisions, child support, assets, debts, and property issues. The lawyer will make sure that the important facts are put before the judge to assist him/her in deciding the issues.

If you don't have a lot of money or assets, you may be able to get a Legal Aid lawyer. Look in the white pages of your phone book under "Legal Aid". You may also want to visit the Legal Services Society website at www.lss.bc.ca.

Find a lawyer who understands Aboriginal families and issues. It is important that you choose a lawyer you trust and can speak to.

If something happens during the court process that you don't understand, ask your lawyer to explain it in a way you understand.

"I think that the separated parents should always be friends and they should let their children know that its not a bad thing to be separated. The children should always know why the parents got separated and that its okay to tell the parents how they feel."



Shelby, Kersley Elementary School



Checklist: Choosing a Lawyer

It is important to choose a lawyer you feel comfortable with. Here is a checklist for you to use.

My lawyer:

- Is someone I trust.
- Understands issues that affect Aboriginal families.
- Is sensitive to safety and power imbalance issues.
- Explains the options but doesn't make choices for me.
- Is sensitive to the emotional and psychological tasks of separating.
- Knows that when children are involved, there is no such thing as "winning."
- Understands that bitterness and conflict can be more damaging to the children than the separation itself.
- Has told me, that at any time, my ex-partner and I can reach an agreement (with or without the help of our lawyers) write a separation agreement and/or consent order, and bring the court process to an end.
- Is willing to try negotiations where I don't have to be face to face with my ex-partner.
- Believes that dealing with family disputes in the courtroom is a last resort. Only if we can't agree will we have the judge decide for us.

If you do not answer yes to all of these statements about your lawyer, consider changing lawyers.

Pre-trial Conference

If you go to court you may have to start with a pre-trial conference.

If you do have to go to a pre-trial conference, everyone who is asking the court for something, or is being asked for something, must attend. If you have a lawyer, s/he must attend as well.

A judge may allow other people to attend.

What Happens in a Pre-Trial Conference

- A judge will lead a discussion around a table about what is best for the children.
- The judge may help you reach agreement or refer you to a mediator, counsellor, or a parenting after separation course.
- A pre-trial conference is a chance to deal with issues without a long trial.
- If a judge decides that a hearing is needed to settle the issues, the judge will arrange a hearing date.

Changing Court Orders and Agreements

If your situation changes, you may need to have the court order or agreement changed. Examples:

- If you lose your job, you may need to ask the court to reduce the child support;
- If the paying parent gets a job after being unemployed, you may want to ask the court to increase the child support; or
- If there is strong evidence that the children are no longer safe while with the other parent you may need to have an access or custody order changed.

If you need to change an agreement, you and your former partner can agree to change it. You can file the new agreement with the court. If your former partner refuses to change the agreement, you will need to go to court.

If you need to change a court order, you have to go back to the court that made the order originally and you explain to the judge what circumstances have changed that require you to change the order.

Enforcing Court Orders

Child Support

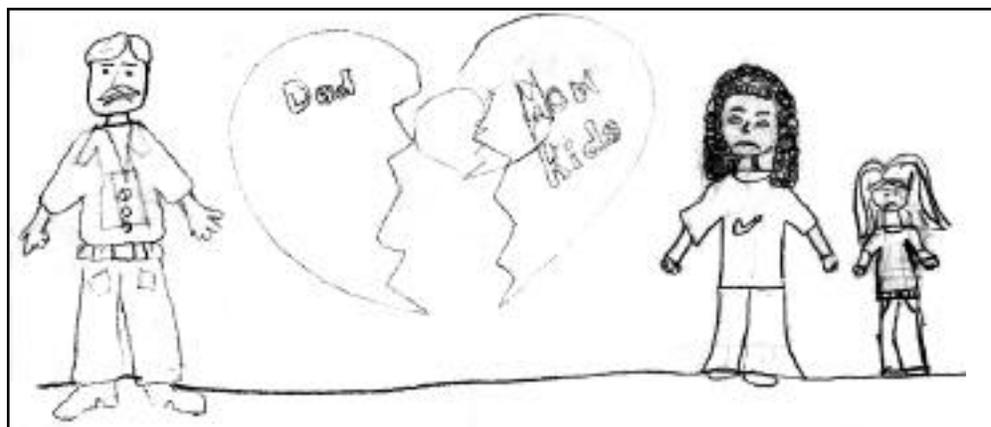
If you have a court order for child support but your ex-partner never pays:

- You should enroll in the Maintenance Enforcement Program as soon as possible (in Vancouver: 604 775-0796 and elsewhere in BC: 1-800-668-3637). Or visit the Family Maintenance Enforcement Program's website at www.fmep.gov.bc.ca/
- This program monitors payments and takes action to collect outstanding debts.

Parenting Arrangements: Custody and Access

What can you do if the parent who has custody won't allow the parent with access to see the kids? Or the parent who has access does not return the children after an access visit?

- You may be able to resolve these issues by contacting a Family Justice Counsellor or lawyer.
- If you cannot reach a solution, you have to go to court and get a court order. In some situations you may be able to get Legal Aid. Look in the white pages of your phone book under "Legal Aid." Or visit the Legal Services Society's website at www.lss.bc.ca.



Chantelle, Nipisikopahk Middle School

If Your Spouse is Violent

If your spouse is violent towards you or your children, you can ask a judge for a court order to help protect you. Ask a lawyer, native courtworker, police officer or counsellor for information on how to get a court order, such as a restraining order, peace bond or no-contact order.

A **Restraining Order** means your partner has to stay away from you and your children. This is an order made by a judge to protect you, it is not a criminal charge.

A **Peace Bond** means your partner has to behave well and “keep the peace”. Tell the police you want to apply for a peace bond, or go to Provincial Court to ask for one.

If your partner has been arrested for being violent towards you, a judge can make a **No-Contact Order** that will stop your partner from contacting you or your children until the hearing or trial.

Which Court Do I Go To?

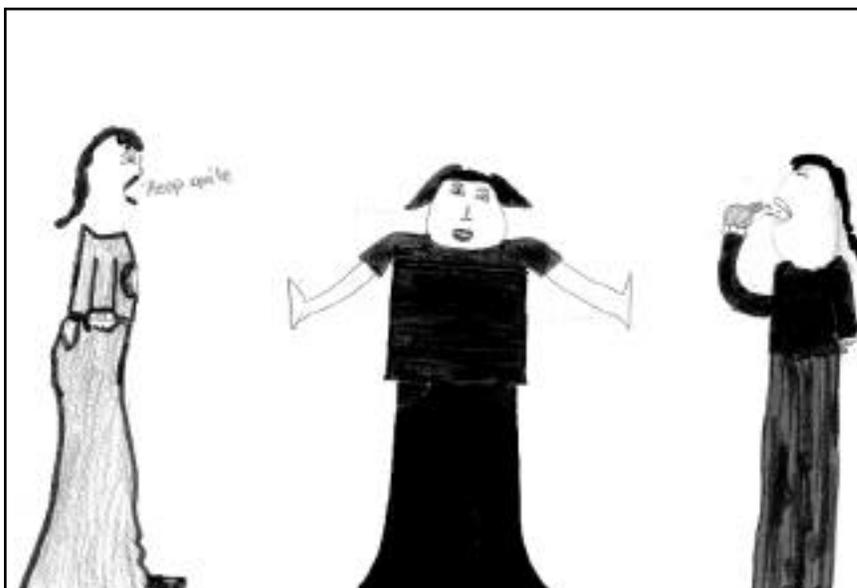
Provincial Court can decide about custody, guardianship, access and support for yourself and the children.

Supreme Court can deal with all these issues plus property and divorce. Because the rules and procedures are complicated, you may wish to get legal advice from a lawyer. *Supreme Court costs a lot more than Provincial Court.*

“My mom and my dad broke up because my dad wastes money on his beer and he drinks to much.

My mom fights with my dad to much.

Most of all he always beats up my mom. My dad always goes to jail.”



Celestine, Nipisikopahk Middle School

WORKSHEET 5



Parenting Plan Worksheet

This Parenting Plan Worksheet can help you and the other parent spell out the details of how you are going to parent. The **Sample Parenting Plan Issues** and **Sample Parenting Plan** on pages 60 and 61 give you an idea of what parents typically think about and put in a Parenting Plan.

If you and the other parent develop a Parenting Plan, each of you should keep a copy.

1. Parenting goals

- a. _____

- b. _____

- c. _____

2. Communication ground rules

- a. _____

- b. _____

- c. _____

- d. _____

- e. _____



3. Time-sharing arrangements (list all options)

- a. Monthly schedule _____

- b. Vacation times _____

- c. Holiday _____

- d. Special days (birthdays, parents' birthdays) _____

- e. Special occasions (weddings, funerals, and graduations)

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

- g. Grandparent time-sharing arrangements _____

- h. Other extended family time-sharing, if any _____

4. Transportation details

- a. Transportation responsibilities, exchange times and places

- b. Special instructions or restrictions



5. Telephone schedule

- a. When children are with Mom

- b. When children are with Dad

6. Long-distance parenting arrangements (If one parent lives more than 100 miles away, for example)

- a. Yearly time-sharing schedule

- b. Transportation details (including who pays the transportation costs)

- c. How information will be shared

7. Procedures for making decisions

- a. How should major decisions be made and by whom (education, day care, medical and dental, counselling)?

- b. How will disagreements be resolved?

8. Procedure for sharing information

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



b. Information about extracurricular activities

c. Health-related information (illnesses, prescriptions, check-ups, therapy sessions, etc.)

d. Community and special events

9. Agenda for a parenting meeting (on a monthly or weekly basis)

- a. _____
- b. _____
- c. _____
- d. _____

10. Child support amount (determined by the *Child Support Guidelines*)

11. Post-secondary education for children

- a. Any minimum guarantees to children _____

- b. Contributions by parents _____

- c. Financial planning options/other sources of funding _____

12. Health insurance

- a. Carried by whom? _____
- b. Procedure for making claims _____

Sample Parenting Plan Issues

First, think about what will be best for the children in the following areas:

Week-to-Week Time Arrangements

The overall schedule and plan for the child(ren)'s move between the parents' homes.

Time Arrangements for Holidays and Special Days

- School vacations.
- Parents' vacations with and without children.
- Child's illness (interrupting access arrangement).

Health Care Decisions

- Emergency medical treatment.
- Informing other parent.
- Check-ups (medical and dental).
- Access to medical records.

Education Decisions

- Consultation between parents on any change in school, special educational needs, tutoring, etc.
- Access to school records.
- Attendance at parent-teacher conferences and school events.

Cultural Decisions

- What First Nation a child shall be registered with.
- What cultural events and activities the child will attend.

Religion

- Religious education and attendance at services (if any).

Grandparents and Extended Family

- Visits with the children, involvement with the children.

Communication Between Parents

- What type of information should be communicated about the children and how it should be communicated.
- Communication when the child is with the other parent.

Changes in Parenting Schedule

- What happens if a parent cannot spend time with a child when scheduled.

Dealing with Disagreements/Changes in the Parenting Plan

- How to deal with disagreements.
- How to change arrangements as children's and parents' circumstances change.
- What happens if one parent wants to move to another community or province.

Sample Parenting Plan

Use your own Plan or use this as a guide to make your own Parenting Plan.

This is the Parenting Plan between _____ and _____ (“We”)

We agree that the following schedule will be our guide, and that we will be flexible with each other if minor changes are necessary.

Week-to-Week Time Arrangements

We agree to spend blocks of time with our children. Each block of time will be _____ in length and will begin at 6:00 p.m. and continue until 6:00 p.m. on the return date. Our children will go to the other parent’s home together. The parent picking up the children is responsible for their dinner.

Birthday Arrangements

For the children’s birthdays, we agree that whoever has the children during that “block” will have the child’s birthday party. The parent who does not have the child during that time is free to plan a party the day before or the day after. We agree to work together to make our children’s birthdays special for them.

We also agree that we will make sure that we alternate birthdays so that the parent who does not have the child one year on the child’s birthday, will have the child the next year on the child’s birthday.

Vacation Arrangements

We will discuss with each other how to spend our respective vacation times with the children. We agree to give the other parent advance notice of planned vacation. If possible, we will give at least two weeks’ notice.

We agree to tell the other parent of the vacation details, e.g. places and telephone numbers where the children may be reached.

Medical Arrangements

We agree to notify the other parent of illnesses the children may have.

We agree that the parent who has the child at the time he/she suffers a medical condition has the authority to make any decision regarding emergency medical care. We agree to notify the other parent of the emergency as soon as possible.

6

Resources

Use the Phone

Family Justice Counsellors

Look in the provincial government listings of your phone book under "Attorney General, Ministry of"

Look in your phone book for the services you need:

- Aboriginal Child and Family Services
- Native Courtworkers and Counselling Association
- Metis Family Services
- First Nation's Women
- Residential School Healing
- Transition Houses / Women's Shelters
- Victims Information and Support Services
- Children and Teen Resources
- FAS/E Support Organizations
- Counselling for you and your children
- Family Maintenance Enforcement Program
Vancouver: 604 775-0796 and elsewhere in BC 1-800-668-3637
- The Family Violence Resources
- *Child Support Guidelines*
(ask for free copies of the Federal *Child Support Guidelines*)
- Legal Aid
(if you can't afford a lawyer and have serious legal problems)
- Lawyer Referral Services
- Kids Help Phone 1-800-668-6868
- BC Mediator Roster Society 1-888-713-0433

Use the Internet

Child and Family Canada www.cfc-efc.ca

Designed to help people in their relationships, in critical times and in day-to-day living. There are informational themes on Family Life and Parenting.

Some topics on the section on parenting include the following:

- Aboriginal Child Rearing Practises and Family Break-up
- Children and Self-esteem
- Children and the Stress of Parenting
- Children and Family Break-up
- Hints for Separated Parents
- Helpful Hints for Healthy Parenting
- Supportive Ideas for Raising Your Child in Separate Homes

Justice Canada canada.justice.gc.ca

This site has a number of information documents that may be useful

The section on *Child Support Guidelines* has a wealth of information on the topic including a workbook for parents and 10 questions and answers.

Information about child support guidelines can be found at

www.justice.gc.ca/en/ps/sup/. Information about spousal support can be found at www.ag.gov.bc.ca/family-justice/law/spouse/index.htm.

Families Change www.familieschange.ca

Legal Aid Website www.lss.bc.ca.

Find the Legal Aid website for your province. This may include information about separation and divorce. Self-help booklets may be available online.

Ministry of Attorney General

In BC: www.ag.gov.bc.ca/family_justice/index.htm

You may be able to find information about family law and the alternatives to going to court in your province.

Law Courts Education Society of B.C. www.lawcourtsed.ca

Online learning program regarding relationship violence and the options available when dealing with dating or family violence.

Canadian Mental Health Association www.cmha.ca

Information pamphlets on a variety of topics including the following:

- Separation and Divorce
- Children and Family Break-up
- Children and Their Fears
- Children and Self-esteem
- Children and the Stress of Parenting

Health Canada www.hc-sc.gc.ca

Health Canada has information and publications on healthy living and family violence.

Kids Help Phone Website www.kidshelpphone.ca

Read Books

For Children

- Brown, Mark & Krasny. *Dinosaurs' Divorce: A Guide for Changing Families*. Little Brown & Co., 1988.
- Deaton, Wendy. *My Own Thoughts and Feelings: A Young Girl's Workbook about Exploring Problems*. Hunter House, 1993.
- Deaton, Wendy. *My Own Thoughts and Feelings: A Young Boy's Workbook about Exploring Problems*. Hunter House, 1993.
- Deaton, Wendy. *Living With My Family: A Child's Workbook About Violence in the Home*. Hunter House, 1991.
- Heegaard, Marge. *When Mom and Dad Separate: Children Can Learn to Cope with Grief From Divorce*. Woodland Press, 1991
- Heegaard, Marge. *When a Parent Marries Again: Children Can Learn to Cope with Family Change*. Woodland Press, 1991
- Lowry, Danielle. *What Can I Do? A Book for Children of Divorce*. Magination Press, 2001
- Nightingale, Lois. *My Parents Still Love Me Even Though They're Getting Divorced*. Nightingale Rose Publications, 1997
- Ransom, Jeanie. *I Don't Want to Talk About It: A Story of Divorce for Young Children*. Magination Press, 2000.
- Schneider, Meg F., J. Offerman-Zuckerberg, and J. Zuckerberg (contributor). *Difficult Questions Kids Ask and Are Too Afraid to Ask – About Divorce*. Fireside, 1996.
- Spelman, Cornelia. *Mama and Daddy Bear's Divorce*. Albert Whitman Prairie, 2001.
- Stinson, Kathy and Nancy Lou Reynolds (illus.). *Mom and Dad Don't Live Together Anymore*. Firefly Books, 1988.
- Thomas, Pat. *My Family's Changing: A First Look at Family Breakup*. Barron's Educational Series, 1999

For Parents

- Ahrons, Constance R. *The Good Divorce: Keeping Your Family Together When Your Marriage Comes Apart*. Harper Perennial, 1995.
- Bienenfeld, Florence. *Helping Your Child Through Your Divorce*. Hunter House, 1995.
- Emery, Robert. *The Truth About Children and Divorce: Dealing With the Emotions So You and Your Children Can Thrive*. Viking books, 2004.
- Engel, Margorie. *Divorce Help Sourcebook*. Visible Ink Press, 1994.
- Everett, Craig A. and Sandra V. Everett. *Healthy Divorce*. Jossey-Bass, 1994.
- Gardner, Richard A. *The Parents Book About Divorce* (rev. ed.). Bantam Books, 1991.
- Gold, Lois and Joan B. Kelly. *Between Love and Hate: A Guide to Civilized Divorce*. Plenum Press, 1992.
- Long, Nicholas and Rex Forehand. *Making Divorce Easier on Your Child: 50 Effective Ways to Help Children Adjust*. McGraw Hill US, 2002.
- McKay, Matthew, Peter Rogers, and Joan Blades. *The Divorce Book: A Practical and Compassionate Guide* (2nd ed.) New Harbinger Publications, 1999.
- Neuman, Gary. *Helping Your Kids Cope with Divorce The Sandcastle Way*. Random House, 1999.
- Ricci, Isolina. *Mom's House, Dad's House: A Complete Guide for Parents Who Are Separated, Divorced or Living Apart*. Fireside, 1997.



Words to Know

Aboriginal	Refers to status Indian, non-status Indian, Metis, and Inuit peoples of Canada.
Access	The time the children spend with the parent who does not have custody. When a child lives with one parent full-time, the other parent usually has access. This is called “Parent time” in a parental order.
Acknowledge	To accept.
Assessment	An appraisal or estimation.
Assets	Anything of value, such as money, property, or goods.
Assimilation	To be absorbed and incorporated. Minority groups are often assimilated into the dominant cultural group
Assumption	Anything taken for granted.
Colonization	The process of taking control of your lands, government, institutions and decisions and leaving you with few resources and dependant on others.
Commitment	A promise or guarantee.
Consistency	Uniformity, harmony.
Custody	Having “custody” of a child allows a parent to make the major decisions for the child such as the child’s education, religion and medical treatment and managing the child’s property.
Enforce	To compel by law.
Guardianship	The responsibility for making major decisions about the children, such as what kind of education, health care or religious training the children will receive, and how to manage anything the children own.
Incompetent	Unfit, unqualified or unable.
Interim	Temporary.



Indian Act	Government legislation passed in 1876 that gives the federal government authority over “Indians and Indian Lands”.
Jurisdiction	Having the power to make decisions.
Legal	Authorized or allowable by law.
Legislation	The laws made by government.
Mediation	In mediation, you and the other parent work with a person who is specially trained to help you reach an agreement.
Negotiate	To discuss with or bargain to make a deal, or reach an arrangement.
Nurturing	The process of promoting the development of, raising or educating.
Peace bond/ Restraining order	An order made by a judge to protect one person from another.
Premise	An earlier statement that serves as the basis for an argument.
Psychological	Dealing with the mind, mental processes such as feelings, desires and thoughts.
Reclaim	To bring back, rebuild or restore.
Separate Meetings	A process that allows you and the other parent to reach an agreement. You and other parent do not meet face to face. A trained professional communicates between you.
Strategies	Plans or directions to achieve a certain objective.
Trauma	An emotional experience or shock that has a lasting effect.



Law Courts Education Society of B.C.

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