

15th Legislative Assembly

Fifth Session May 30 - June 8, 2006

JUN 8, 2006

Shared Child Custody Legislation

MR. RAMSAY: Thank you, Mr. Speaker. I'd like to thank Mrs. Groenewegen for her statement today. Today I'd like to talk about fathers' rights and custody cases.

Statistics show that most marriages are ending in divorce, Mr. Speaker. Forty-six percent is the national average. In some cases, Mr. Speaker, the consequences are only financial. In cases that involve the custody of children, the consequences can be far-reaching and can impact on the lives of the children for decades to come.

When a marriage or relationship breaks down, the issues that lead to the breakup seem to supersede what should be the primary focus of any proceedings: the welfare and the well-being of the children of the relationship. The needs of the children often get overlooked by the need to punish their former partner. All too often, Mr. Speaker, this punishment takes the form of trying to restrict access to children. The children don't understand this. They want and need both parents in their lives.

The adversarial approach that exists under current divorce legislation can, through the awarding of sole custody to the mother, deny fathers any meaningful role in the upbringing of the children and lead to these children being brought up in what is essentially a single-parent household. Statistics show that children brought up in a single-parent home are more likely to come into contact with the law, abuse drugs and alcohol, and do poorly in school.

Studies show that conflicts between joint custody parents diminish over time. Whereas in the case of sole custody, court battles often rage on for years after the actual physical separation. I believe, Mr. Speaker, that the adversarial approach to custody matters serves no one, least of all the best interests of the children, and that it's time for the federal government and the territorial government to introduce and amend the current legislation to allow for automatic default to shared custody arrangements between the two parents.

The only role the courts would have in determining custody would be in those cases where violence or abuse has been proven against one of the parental parties and it would be in the best interest of the child to restrict access to that parent. This would also reduce the number of false accusations of abuse that are often made in the heat of battle in our current adversarial process.

Our children deserve to have both parents, Mr. Speaker, and legislation to default the equal share of parenting is advancing in countries like Italy, Belgium, Australia and the United Kingdom, and, Mr. Speaker, we must do all we can as legislators to ensure that happens. Thank you.

---Applause