

It's been ten months since the Special Joint Committee on Child Custody and Access began hearing testimony in its study of issues related to custody and access arrangements following separation and divorce. Witnesses from every possible background came forward to present their suggestions on how the Divorce Act should be changed. Many told stories from their personal struggles with a spouse, or their difficulties in court, or how as grandparents they have been denied access to their grandchildren. While the Committee was not able to travel to every possible community, a satisfactory amount of testimony was heard.

Now comes the difficult part - putting ten months of hearings into a Report. On December 10th, the Committee plans to table its Report in the House of Commons. What happens next depends primarily on Minister of Justice Anne McLellan who will probably respond to the Report in writing in early 1999 (see article on left).

As Canadians, it is your right, and in fact it is your duty, to put pressure on the Minister to make constructive changes to the Divorce Act, in both a timely fashion and in a manner that truly represents the views of the majority of Canadians. On the reverse, I have included how you can directly contact the Minister by way of mail or fax.

Throughout the fall, I have received a great deal of requests from Canadians who want a copy of the Committee's Report. I would be more than happy to send you a complimentary copy. Simply fill out the form on the reverse side, mail it to me postage free, and my office will send it to you as soon as possible.

Minister open to changing Divorce Act Report to propose sweeping changes to custody laws

By Sheldon Alberts

OTTAWA - Anne McLellan, Canada's justice minister, says she is prepared to change the Divorce Act in a bid to end controversy over child custody laws that often pit the rights of fathers against those of mothers. But Ms. McLellan plans to tread carefully around the "very difficult, emotional" issue until Ottawa and the provinces study recommendations from a Senate-Commons committee that is expected to propose sweeping changes.

"I'm going to very seriously look at the recommendations and I am open to the possibility, indeed the likelihood, that we will be making amendments to the Divorce Act," she told the National Post. "If it is clear that under our existing law, or the ways in which that law is applied, that the best interests of the child are not always first and foremost, then... we will look at what we can do to change that."

The minister's remarks come after a Southam-Compas poll this week showed 70% of Canadians feel the needs of children receive too little attention in divorce courts; 62% feel the needs of fathers are given short shrift. And a series of recent court actions have legal analysts talking about reshaping the institutions of marriage and the family. Liberal parliamentarians have been locked in an acrimonious debate over the work of the committee on child custody and access, which some feminist groups say has been biased in favour of men.

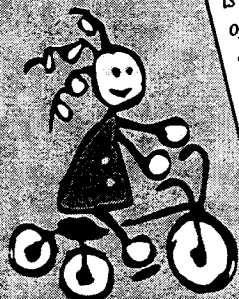
Many divorced men told the committee during cross-country hearings that custody laws have shut them out of their children's lives and were used as a weapon to level false accusations of abuse.

Despite the high emotions, Ms. McLellan says she will not be drawn into the battle. "I don't see this as fathers versus mothers... I think that's a very negative and very destructive way of looking at this, and we have to do better than that," she said. "What I come back to is the fact that in the difficult circumstances of family breakdown, what is in the best interests of the children."

The committee is expected to table its report in the Commons on Dec. 10, but many of its recommendations have already been leaked to the media. It is expected to propose the 30-year-old Divorce Act be amended to make "shared parenting" the legal cornerstone of custody. It is also likely to recommend that making false accusations of abuse become a criminal offence.

Ms. McLellan plans to refer the committee's work to a joint federal-provincial working group for study before proposing legislation. She is likely to respond formally by the spring.

- National Post, November 25, 1998



Contact Me:

I look forward to hearing from you on the issue of child custody and access. I can be contacted at either office listed below, however, I would encourage you to forward any correspondence on this particular subject to my Constituency Office in New Westminster, B.C. And remember, it's postage free!



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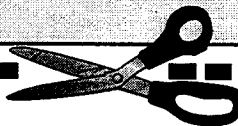
The results of the Committee Report are not as bold and exciting as hoped for by Reformers. Once again, the out of touch Liberal Party approach was resistant to change. Liberal Committee Members voted down the stronger proposals that would have more accurately reflected the anguish of the testimony of many cases. The underwhelming report recommendations will likely be further resisted in the government's response to the Report, which has to be delivered within 150 days of the release of the Report.

There are vested interests that are happy with the present imbalances in the practical applications of the family-law system. Concepts such as "legal equality," "mutual parental responsibility," and a real focus on "children's needs," are resisted by those on the Committee who emphasize "victimology." Reform fought hard for a stronger result. However, in the end we supported the Report in principle. The Report will now provide a base for further community discussion. Please continue to contact me about your views. In addition, do not give up the full-court press on the Justice Minister to adopt what most Canadians want and deserve—a fair justice system.



Anne McLellan is responsible for implementing changes to the Divorce Act
Write, Phone, or Fax your Concerns to the Federal Justice Minister:

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Yes, I would like to receive a complimentary copy of the Report of the Special Joint Committee on Child Custody and Access.

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