

February 21, 2002

Honourable Dave Hancock, Q.C.
Minister of Justice and Attorney General
Office of Family Law Reform
Alberta Justice
4th Floor, Bowker Building
9833 – 109 Street
Edmonton AB T5K 2E8

Dear Mr. Hancock:

Re: Alberta Family Law Reform

Thank you for the opportunity to provide input on Alberta Family Law Reform. The members of the Psychologists' Association of Alberta provide expert evidence to the court regarding Alberta families on an ongoing basis.

The main goal of family law reform, to make family law more understandable and accessible to Albertans, is strongly supported by the Psychologists' Association of Alberta. The underlying goals of supporting families and advocating the best interests of children are a value shared by psychologists in Alberta.

Spousal Support

The Psychologists' Association of Alberta supports legislation that provides appropriately for children's needs. If the Court deems that it is in the best interest of the children to have one parent receive spousal support, we support this decision.

Child Support

The Psychologists' Association of Alberta supports legislation that ensures both parents financially support their children. As well as a parent's legal and moral obligation to provide financial support for a child, it is important for a child to know that he/she is supported by both parents financially. Child support is a priority when considering the psychological well-being of a child. It is also in the best interest of a child to be supported by a parent beyond the age of eighteen if they remain dependent due to an illness or disability or if they are engaged in further education, or if they are just

beginning to work. The majority of children are not self supporting by age eighteen. Continued support at this age enhances the ability of young adults to better prepare for their future as contributing members of society because support may be seen to have psychological implications for the child, such as consistency and positive lifestyle, the courts must have the discretion to make a child support order that is appropriate for the circumstances that apply to the parents and to persons acting in the place of a parent.

Guardianship, Custody, and Access

The Psychologists' Association of Alberta supports any legislation that enables a child to continue developing appropriately with special interest applied to their psychological growth and development. Decisions about guardianship must be made in the best interest of children as defined by psychologists and other professionals charged with identifying factors to be considered relevant to this definition. Psychologists and other professionals must also be involved in providing guidelines for the court in determining whether parental access to children is to be granted. Psychologists have the education, skills, and objectivism to provide relevant information regarding these decisions. Guardianship questions for a child when one parent dies must consider the expectations of the child and his/her relationship with the surviving parent/guardian or the guardian appointed by the deceased parent/guardian. It is important for children to maintain a relationship with the other parent regardless of who is appointed guardian.

The Psychologists' Association of Alberta supports the principles listed regarding guardianship in the non-intact family including a focus on the needs and best interests of the child; the child's need for continuity of relationships after parents separate, including the extended family; the contribution of both parents to a child's development and well being; accountability of all parents for fulfilling or not fulfilling parenting responsibilities; consistent legislation; the ability to allow for flexibility to respond to individual family circumstances and ongoing child development; and arrangements that encourage and facilitate cooperation and communication between parents with special consideration in abusive circumstances.

The Psychologists' Association of Alberta supports the court in providing for the best interest of children considering the twenty-one factors listed in section 3.5 of the public workbook. Individual circumstances must always be considered as well as other factors deemed relevant by the court. It is important psychologically for a child over twelve years of age to be listened to but the child must not perceive himself/herself as making the decision regarding his/her future relationship with each parent. In a decision about access in a non-intact family must always consider the best interest of the child with the understanding that all children need an ongoing relationship with both parents if possible.

If grandparents or extended family members want to initiate and/or increase access with a child, the decision must be made on an individual basis. If there has been no opportunity for access it may be in the best interest of the child to initiate access when possible.

For psychological reasons, a child's relationship with the parent providing child support must be continuous regardless of that parent's ability to meet their financial obligations. The responsibility of both parents to continue to support the child should be emphasized as psychologically important as well as considering financial need.

Court Jurisdiction and Powers

The Psychologists' Association of Alberta believes that judicial decisions are appropriately made by the legal community. Any decision regarding parents must consider the best interests of the child. Psychologists also provide mediation services that are appropriate in many cases.

Personal Relationships

The Psychologists' Association of Alberta supports the view that two persons who live together and have a biological or adopted child are in a committed relationship that will have benefits and obligations attached, especially for the child. The Psychologists' Association of Alberta supports a focus on the best interest of children in Alberta Family Law Reform. Best interest includes physical safety as well as emotional, psychological, and financial security. All decisions must consider stability and consistency to ensure an ongoing relationship with both parents.

It is important that a child's voice be heard but that the child is not led to believe that he/she is in any way responsible for the parents' separation or ongoing dispute. The child's developmental needs must be considered and held separate from their parents dispute and any legal proceedings as much as possible. When there is high conflict between parents after a separation and divorce, children's psychological needs change and must be viewed differently by the court. An advocate can assist in protecting the child from the repercussions of the parent conflict and in guiding the child through the process. Children have the best opportunity to meet their developmental needs and grow into responsible adults when both parents remain involved in parenting and support the children psychologically.

Thank you for the opportunity to respond to this important initiative.

Yours truly,

Shirley Vandersteen, Ph.D., C. Psych.
President

Bonnie Haave, Ph.D., C.Psych.
Executive Director