



# AFCC ONTARIO

## NEWSLETTER

VOLUME 8, NUMBER 6

Association of Family and Conciliation Courts – Ontario Chapter

Winter 2012

### AFCC-O AGM & ANNUAL CONFERENCE - PLEASE SAVE THE DATES October 18 (evening reception) and 19, 2012

Read on for more details.

Please visit our website at: [www.afccontario.ca](http://www.afccontario.ca)

#### A MESSAGE FROM THE PRESIDENT



We are well into our third year and true to form AFCC Ontario has hit the ground running. Our membership continues to grow as we approach 290 people. A warm welcome to all our new members!

I'd like to extend a special welcome to our new and continuing student members, many of whom I have met and learned from. Thank you for your valuable participation. Your fresh ideas, energy and enthusiasm are contagious and vital to AFCC's core. Welcome!

We also welcome our new Board Member, Dr. Dan Ashbourne, psychologist and Executive Director at the Centre for Children & Families in the Justice System in London, Ontario. I have known Dan for many years. His warmth, expertise, great ideas and readiness to roll up his sleeves and dig in are much appreciated.

We extend a warm welcome to our new AFCC-O Assistant Editor, Terrah Smith, who is the Family Law Program Coordinator at Pro Bono Students Canada at the Faculty of Law at UWO. Terrah will be

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invaluable to our Communications Committee and joins the hardworking members, Rachel Birnbaum, Justice Debra Paulseth, Jill St. John, Maggie Hall and new member Michelle Hayes.

We have many active working groups that you will read more about in this newsletter and by visiting [www.afccontario.ca](http://www.afccontario.ca). Our thanks are extended to OAFM, FMC, ADRIO and the OCLF for their support of our *Ideal Family Court Proposal*. As for new initiatives, AFCC-O and the Advocates' Society have formed a working group on *Judicial Interviews/Meetings*. AFCC-O has begun work on a *Family Law Moot* for law students in Ontario. Members of the committee have been working diligently to start the first Family Law Moot in Canada! Many thanks to co-chairs, Patti Cross and Justice Geraldine Waldman and to members of the working group, Steven Benmor, Rachel Birnbaum, Dena Moyal, Anthony Macri, Prof. Shelly Kierstead, Philip Epstein and Justice Stanley Sherr. Our special appreciation goes to Phil for promoting the moot through donations. Stay tuned for more!

There are many more exciting events. The next AFCC conference will be from **June 6-9, 2012** at the Hyatt Regency in Chicago, Illinois. The theme of this event is "*Attachment, Brain Science and Children of Divorce: The ABCD's of Child Development for Family Law*." It is sure to be jam-packed with stimulating and informative content.

As Peter Salem our Executive Director recently said in the AFCC January e-news, "*For AFCC this represents an important opportunity to support one another in what seems to have become a series of difficult conversations.*" If you have not had the chance yet, please read Peter's entire message. He goes on to say, and say so well:

*As we disagree let us keep in mind not only the end goal of helping children and families, but the AFCC organization values that will help us get there:*

- *Collaboration and respect among professions and disciplines*
- *Learning through inquiry, discussion and debate*
- *Innovation in addressing the needs of families and children in conflict*
- *Empowering families to resolve conflict and make decisions about their future*

The topic of attachment and parenting time schedules for young children is stirring and sure to get our brains and hearts shuffling about. Toss in some wonderful networking opportunities with familiar and new colleagues and friends in a fabulous city with tons to do and see, and you have what is sure to be a fabulous experience. For more information about the conference, please visit the following address: [http://www.afccnet.org/conferences/afcc\\_conferences.asp](http://www.afccnet.org/conferences/afcc_conferences.asp)

Our Chapter Conference Committee, Justice Debra Paulseth, Andrea Himel, Dana Cohen, Patti Cross, Justice George Czutrin, Anthony Macri, Jacqui Vanbetlehem and I are busy planning our 2012 AGM and Annual Conference. This unique interdisciplinary event will take place at the Toronto Reference Library downtown on **Friday, October 19, 2012** (more information follows in this newsletter). Please save the date for the conference and also for our evening reception on **October 18<sup>th</sup>**.

I have said it before and I'll say it again. I love AFCC! Without a doubt, I attribute so much of what I have learned over the years to the outstanding conferences, training programs and conversations with a multidisciplinary community of members across the globe. AFCC inspires us to continue to forge forward in what is often extremely challenging and frustrating work. To top that off, I have developed meaningful friendships and positive connections with colleagues from around the world. I am honoured to be president and part of the AFCC unique, energized and inviting community. Thank you

for this opportunity. I look forward to this year's learning amidst the hustle and bustle of initiatives.



**AFCC ONTARIO  
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**AFCC NEWSLETTER**  
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**Communication Committee: Justice Debra Paulseth,  
Maggie Hall, Jill St.Clair & Michelle Hayes**

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Quarter page  
(3 5/8" x 4 7/8")  
\$150 (member)  
\$250 (non-member)

We welcome your ideas and suggestions for how AFCC-O can meet your professional needs. Please don't hesitate to contact any of our Board members or myself at [afcc.ontario@gmail.com](mailto:afcc.ontario@gmail.com).

Barbara Jo Fidler, Ph.D.  
President

## **2011 ANNUAL CONFERENCE RECAP**

By Anthony Macri

"Brilliant," "Amazing," and "Outstanding" were some of the many superlatives used to describe Dr. Bruce Perry's presentation at the AFCC-O's 3<sup>rd</sup> Annual General Conference on Thursday and Friday, October 20 and 21, 2011. Dr. Perry's talk entitled *Experience and Brain Development: How Childhood Events Shape the Children and Families We Serve* was held at the Sala Caboto at the Villa Colombo at 40 Playfair Avenue in Toronto. Over 210 attendees were captivated by Dr. Perry's presentation as he explained not only how the brain functions, but also how childhood events shape the way that a brain functions and processes information – that people's behaviours today are shaped by what happened to them when they were young children.

Dr. Perry has the distinct ability to take very complex subjects, like neuroscience, and make them accessible to lay people. Dr. Perry explained how the brain is shaped at birth and how events after birth go on to change not only how the brain processes information, but how the brain itself is shaped. This is known as Use-Dependent Development, that "the more a neural system is activated, the more that system changes to reflect that patten of activation."

Therefore if people have positive experiences as infants, they tend to be positive people as adults, as their internal templates interpret all actions positively. Did you ever wonder why some people see the glass as half full and others as half empty?

Well to get the answer you have to look to that person's early childhood to see what their experiences were. So if a person has positive and loving experiences, the brain shapes itself to relate to these; however, if the brain has negative or abusive experiences, it shapes itself to relate to those.

Likewise, if a person has a positive experience with a parent as an infant, they are more likely to provide positive experiences to their children. The ability to relate to people and to children is a critical aspect of parenting. After all, parenting is not a cognitive function (a matter of knowing what to do and when) but a relational function – the ability to see the child's needs and respond to them in a child-focused manner. To learn more about the subject you can read either of Dr. Perry's books: *The Boy Who Was Raised As A Dog: What Traumatized Children Can Teach Us About Love, Loss and Healing* and *Born for Love: Why Empathy is Essential and Endangered* or look at any of his many articles.

Following Dr. Perry's presentation, Professor Nicholas Bala lead a panel discussion with Justice June Maresca of the Ontario Court of Justice, Dr. Jean Wittenberg from the Hospital for Sick Children, Nancy Webb from the Office of the Children's Lawyer, and Dr. Perry. The panel explored a complex fact situation and the issues faced by professionals striving to assist those families. The discussion led to a greater appreciation by all sides of the challenges of each profession in their efforts to help families.

In true AFCC-O fashion, the conference kicked off on the Thursday night with a networking opportunity at Spring Rolls in the Sheppard Centre at Yonge. Over 100 colleagues had a unique opportunity to reignite old friendships and start new ones.

This year's conference continued the tradition of excellence at AFCC-O conferences and it will happen again at the 4<sup>th</sup> Annual General Conference on Thursday and Friday, October 18 and 19, 2012 at the Toronto Reference Library at 789 Yonge St. just north of Bloor.

## **2012 NEW MEMBERS**

Ann Stoner	Judy Baskerville-Skinner	Patricia Novomestsky, JD
Barbara Benoliel	Judy Lacey, BA	Paul Lepine, LL.B.
Camille Sherman, LL.B., MSW	Judy Walsh, LL.B.	Penelope Ng, JD
Catherine Rogers, LL.B.	Julie Simard, BSW	Peter Douglas, LL.B.
Cathi Wentworth, BA	Justice Joseph Fragomeni	Peter Duffy, BSW, MSW, RSW
Claude Grimmond, B.Ed., MES	Kelly Mandarino	Ricardo Theoduloz, MSW
Cynthia Katz, MA	Kimberly McCurdy, LL.B.	Risa Ennis, MA, AccFM
Dana Cohen, LL.B, MS	Laura Oliver, LL.B.	Robin Holloway, Ph.D.
Douglas Manning, LL.B.	Lauren Israel, LL.B.	Sheila MacKinnon, LL.B.
Emilie James, Ph.D.	Lori Crewe, LL.B.	Shely Polak
Harold Niman	Marcy Urbas, MSW	Summer Nudel, MSW
Heather MacInnis, MSW	Margaret Massey, MSW	Susan O'Rourke, LL.B.
Jan Schloss, MSW	Marion Mitchell	Susan Sullivan, LL.B., JD
Janice Austin, MSW	Mary Damianakis	Susan Switch, LL.B.
Jennifer Crowson, Ph.D.	Michael Cochrane	Ted Laan, LL.B.
Jennifer Wright, BA	Nita David	Tobi Siew
Joel Miller	Pasquale Filice, JD	Tracy Richards

## **THE OUTREACH PROGRAM**

Our involvement province-wide continues full force with our *Outreach Program, An Evening of Film, Wine & Discuss of Family Law Dilemmas*. The inaugural program, held in Barrie, was organized by lawyers, Douglas Manning and Sonja Jain. Presenters were Justice Lydia Olah, psychologist, Dr. Peter Marshall and lawyer, Pamela Krause. By all accounts it was a smashing success! Other AFCC chapters have expressed an interest in our program and closer to home Newmarket, London, Kingston, Hamilton and Sudbury have begun to make plans to host their own local events. We extend our utmost appreciation to the dedicated Outreach Program Committee – chair, Deborah Moskovitch, and members, Dena Moyal, Steven Benmor, Linda Popielarczyk and Linda Chodos! Our treasurer, Maggie Hall, has recently joined the committee and is sure to be an asset given her involvement with the northern Ontario communities. Contact us if you would like to learn more about hosting an event in your community.

## **THE TOP 10 REASONS TO JOIN AFCC-O**

By Linda Popielarczyk

10. AFCC is an international and interdisciplinary association of family law judges, lawyers, mental health professionals, social workers, psychologists, mediators, court administrators and other professionals working in the family justice system.
9. AFCC is an organization dedicated to improving the lives of the children and families we serve. Its members have pioneered major changes in the resolution of family conflict in the context of separation and divorce and child welfare for more than 45 years!
8. AFCC members have developed dispute resolution processes such as child custody mediation, parenting coordination and divorce education, and collaborated with other organizations to develop essential standards of best practice and guidelines to raise the bar in the field of family dispute resolution. Think “Wingspread” (2007)... Guidelines for Parenting Coordination (May 2005)... Guidelines for Court-Involved Therapy (Draft in February 2010), and the recent discussion paper on mental health consultants and child custody evaluations (October 2011)... to name just a few!
7. AFCC is a multidisciplinary organization that promotes collegiality, and healthy dialogue and debate on controversial topics between all of its members.
6. AFCC Ontario was incorporated and received its full status as a charitable organization in December 2009. As such, it is the first chapter in Canada (although there are AFCC members across the country). As of January 2012 we are a proud chapter of 287 strong.
5. Members of AFCC and AFCC Ontario have access to two fabulous member websites, links to important articles, updates on AFCC initiatives everywhere and upcoming educational events and a menu for parents to access reliable information pertaining to separation and divorce.
4. Members of AFCC receive the quarterly journal Family Court Review that contains quality peer reviewed articles.

3. Members of AFCC and AFCC Ontario have access to informative and stimulating conferences each year with special member pricing. These are quality “must do” conferences that combine education with networking, and a bit of R & R. In the case of the parent organization, they are held annually in the US or Canada. Recent conferences have been in New Orleans, Denver, Vancouver and Orlando. This coming June, the conference will be held in Chicago, next year in Los Angeles and in 2014 it will be in, Toronto! As well, we have access to other chapter conferences.

2. You will find that other members of AFCC become your professional family. You can call upon them to commiserate about a practice issue and to find meaningful solutions wherever possible. Our AFCC board members and committee chair-people encourage and welcome your participation and input regarding your professional needs. That can be a lot of fun... AFCC members like to have fun.

1. And, the number ONE reason to become a member of AFCC is:

**You will get to know better all of the like-minded professionals who attend AFCCO events. The organization is determined to reach out to professionals province-wide, aiming to have the interests and needs of Ontario professionals represented by the Chapter.**

**If you are not already a member, consider membership in this wonderful organization and the Ontario Chapter!! Students - don't forget that student membership in AFCC is only \$25. Not only do you receive the same benefits, but membership in the Ontario Chapter is free.**

## **UPCOMING EVENTS**

<b>DATE</b>	<b>CONFERENCE NAME</b>	<b>CITY</b>	<b>STATE</b>
<b>February 3-5</b>	Chapter Conference	Sedona	Arizona
<b>February 10-12</b>	Chapter Conference	Santa Monica	California
<b>February 24</b>	TBD	TBD	Colorado
<b>February 24</b>	TBD	TBD	Minnesota
<b>March 5-6</b>	Managing Personality Disordered Parents	Chicago	Illinois
<b>March 7-9</b>	Advanced PC Practice: Working More Effectively with Parents & Children	Chicago	Illinois
<b>March 30-31</b>	Chapter Conference	Tampa	Florida
<b>Spring 2012</b>	TBD	TBD	Massachusetts
<b>April 13-14</b>	Chapter Conference	Seattle	Washington
<b>May 9-12</b>	Supervised Visitation Network	Orlando	Florida
<b>June 6-9</b>	49th Annual AFCC Conference	Chicago	Illinois
<b>June 14-16</b>	International Society of Family Law	Iowa City	Iowa
<b>Sept. 12-15</b>	Association for Conflict Resolution	New Orleans	Louisiana
<b>Oct.18-19</b>	AFCC-O Annual Conference	Toronto	Ontario
<b>November 1-3</b>	AFCC 10th Annual Symposium on Child and Custody Evaluations	Phoenix	Arizona
<b>May 29-June</b>	2013 50th Annual AFCC Conference	Los Angeles	California

## **UPCOMING EVENTS CNTD.**

### ***Parenting Capacity Assessor's Forum's***

The next must-attend educational event will be on **April 20, 2012 from 2:30 to 4:30pm**. The topic is "The Difference Between an "Oops" and an "Oh-Oh" - When Mistakes Are Made During PCAs". Panelists are: Dr. Dan Ashbourne and Dr. Jay McGrory, Chief Counsel to the Children's Aid Society of Toronto Kristina Reitmeier, lawyer Charlotte Murray and The Honourable Mr. Justice Stan Sherr.

### ***AFCC 49<sup>th</sup> Annual Conference***

The next AFCC conference will be from **June 6-9, 2012** at the Hyatt Regency in Chicago, Illinois. The theme of this event is "*Attachment, Brain Science and Children of Divorce: The ABCD's of Child Development for Family Law.*" It is sure to be jam-packed with stimulating and informative content.

### **Call for Scholarship Applications for the AFCC 49<sup>th</sup> Annual Conference in Chicago**

The scholarship includes conference registration fees, a pre-conference institute registration fee, a ticket to the welcome reception and The Second City Improv All Stars, awards luncheon, annual banquet, AFCC hospitality suite and a certificate of attendance.

To be eligible, all applicants must submit their application in writing or by email to [afcc.ontario@gmail.com](mailto:afcc.ontario@gmail.com) by **April 1**. Please put in subject line: "attention to Barbara Fidler/conference scholarship". The criteria for scholarship includes the following:

#### **AFCC Chapter Member:**

Preference for all scholarships is given to AFCC Chapter members, although anyone may apply. If you are not a member and would like to join AFCC, please complete the online membership application at [www.afccnet.org](http://www.afccnet.org) or contact AFCC at [afcc@afccnet.org](mailto:afcc@afccnet.org) or (608) 664-3750. AFCC membership will be verified on the application deadline.

#### **Prior Conference Attendance:**

Preference is given to applicants who have never attended an AFCC conference.

#### **Prior Scholarship Recipient:**

Due to the substantial increase in the number of applications, those who have received an AFCC scholarship in the past five years are not eligible.

#### **Additional Funding Support:**

Because of the increased need for support, the selection committee asks if an employer or other source may provide additional funding.

#### **Financial Need:**

Personal financial need of the applicant is a major consideration of the committee.

#### **Relevance of Organization/Practice:**

The relevance of the applicant's organization/practice to AFCC's mission is considered. AFCC's mission statement can be found at [www.afccnet.org/about/mission.asp](http://www.afccnet.org/about/mission.asp).

#### **Diversity Consciousness:**

AFCC strives for diversity among colleagues, professions and services. Our collective differences enhance the work of AFCC by providing many different perspectives. Diversity includes, but it is not limited to: age, ethnicity, geographic region, disability, race, religion and sexual orientation.

## **Submit a Proposal to Present a Poster for the AFCC 49th Annual Conference**

Submission deadline: **March 15**

Please include:

- ❖ An abstract of 250 words or less describing your proposed poster
- ❖ A brief poster title
- ❖ For research posters, include brief descriptions of your methodology, results, conclusions and applications for practice, policy implications and future research (250 words or less)
- ❖ Complete contact information for all proposed authors
- ❖ The name of the person who will be coordinating your poster presentation
- ❖ Contact information for a total of two professional references for the poster session
- ❖ Resumes for all proposed authors

You do not need to register for the conference to present a poster, but must register if you plan to attend sessions. Please direct any questions regarding poster proposals to Nola Risse-Connolly at (608) 664-3750 or [afcc3@afccnet.org](mailto:afcc3@afccnet.org). If you do not receive an email confirming receipt of your proposal within one week of submission, please telephone Nola.

### ***High Conflict Divorce Camp***

Overcoming Barriers is a 501(c)(3) non-profit organization that hosts intensive psycho-educational programming for families with children in danger of losing a relationship with one parent after divorce. OCB currently offers three unique programs that were developed by and are implemented by the OCB clinical team. Programs are offered near Boston, MA and San Francisco, CA. In 2012 the 4-day, 3-night *High Conflict Divorce Camp* will run near San Francisco, CA from **June 29-July 3**. Please visit the website for all three program descriptions and details on the intake process.

## **AFCC-O AGM & ANNUAL CONFERENCE - PLEASE SAVE THE DATES**

**October 18 (evening reception) and 19, 2012**

**Read on for more details.**

AFCC-O is excited to announce the 2012 annual general meeting and conference, "The GPS of Family Law ...The Road Not Taken." The program will take place at the Bram & Bluma Appel Salon at the Toronto Public Library (Yonge St. and Bloor St.) on **Friday, October 19, 2012**. As usual, we will be hosting an evening social event (at Spring Rolls Dundas St. and Yonge St. location) on Thursday **October 18, 2012**.

Moderated by the Honourable Justice Mary Lou Benotto, Mr. Philip Epstein and Dr. Barbara Fidler, our morning portion of the program will provide participants with the opportunity to observe and unpack a scenario involving a typical separating family. The afternoon sessions will continue our theme of examining family law cases from multi-disciplinary perspectives. We will focus on the following topics: "Adult Children of Divorce" and "Dealing with Challenging Clients". Our program will conclude with a review and commentary by the Honourable Justice Harvey Brownstone and Mr. Philip Epstein of key child-related cases to assist in our interventions with separating families.



**Submit a Proposal for a Workshop Session at the  
AFCC 10th Symposium on Child Custody Evaluations**

**November 1-3, 2012**

Arizona Grand Resort  
Phoenix, Arizona

Proposals are being accepted for ninety-minute workshop sessions.

Submission deadline: **May 13**

Please include:

1. An abstract of 250 words or less describing your proposed workshop.
2. A workshop title (limited to 80 characters in length) and an 80-word or less “program ready” abstract for the conference brochure. AFCC reserves the right to edit descriptions for consistency.
3. A 250-word or less description of the relevance of your workshop to the AFCC community.
4. For research proposals, include brief descriptions of your methodology, results, conclusions and applications for practice, policy implications and future research. (250 words or less)
5. Three learning objectives that will be addressed by your proposed workshop.
6. Complete contact information for all proposed presenters. Please limit academic degrees to two per presenter.
7. The name of the person who will be coordinating your workshop.
8. Contact information for two professional references.
9. Resumes for all proposed presenters (emailed to [afcc3@afccnet.org](mailto:afcc3@afccnet.org)).

There is a maximum of four presenters per workshop. Fax, mail and email submissions will not be accepted. **There is a limit of two proposals per proposed presenter.**

Be sure to double-check all names of proposed presenters as what is submitted here will be what is used in the printed conference program. If you have any questions regarding this call for proposals, please contact Nola Risse-Connolly at [nrisseconnolly@afccnet.org](mailto:nrisseconnolly@afccnet.org) or (608) 664-3750.

**Proposed topics may include, but are not limited to:**

- ❖ Role of risk assessment in custody evaluations
- ❖ Use of research in custody evaluations
- ❖ Crafting parenting plans
- ❖ Hybrid evaluation models
- ❖ Drafting orders for custody evaluations
- ❖ Court based evaluation programs
- ❖ Interviewing children for GALs and judicial officers
- ❖ The evaluator as parenting coordinator
- ❖ Managing stress and avoiding burnout
- ❖ Ethical considerations in evaluations
- ❖ Psychological testing
- ❖ The ethics of reviewing custody evaluations
- ❖ The role of the litigation consultant
- ❖ Assessing allegations of child abuse and neglect
- ❖ Effective use of collateral sources
- ❖ Domestic abuse and custody evaluations
- ❖ Multi-disciplinary perspectives on custody evaluations
- ❖ Testifying and cross-examination
- ❖ Research updates on shared parenting
- ❖ Child development for legal professionals

## **THE COMMITTEE ON JUDICIAL INTERVIEWS AND MEETINGS WITH CHILDREN**

AFCC-O extends a warm appreciation to the Committee:

### **Co-Chairs**

- Dan Goldberg (Toronto, AFCC Ontario)
- Martha McCarthy (Toronto, TAS)

### **Judges**

- Justice Grant Campbell (Kitchener)
- Justice George Czutrin (Toronto)
- Justice Alan Ingram (Peterborough)
- Justice Ellen Murray (Toronto)
- Justice Sherill Rogers (Newmarket)
- Justice Stanley Sherr (Toronto)

### **Lawyers**

- Lisa Barazzutti (Timmins)
- Lorne Glass (Toronto)
- Lesley Kendall (Kingston)
- Kelly Jordan (Toronto)
- Alf Mamo (London)
- Lise Parent (Ottawa)
- Barbara Steinberg (Newmarket)
- Jane Thomson (Toronto)
- Christine Torry (Mississauga)
- Gerri Wong (Windsor)
- Kathryn Balter, Student-at-Law (Toronto)

### **Academics & Mental Health Professionals**

- Prof. Nicholas Bala (Faculty of Law, Queen's University)
- Linda Chodos, M.S.W. (Toronto)
- Prof. Michael Saini (Faculty of Social Work, University of Toronto)

Town hall meetings were held in November and December 2011 throughout Ontario in Ottawa, Kingston, Toronto, Newmarket, London, Mississauga, Windsor and Timmins.

Much thanks goes to the nine organizations that assisted the committee in notifying the community about the schedule of consultation meetings. They are: The AFCC Ontario Chapter, The Advocates' Society, The Office of the Children's Lawyer (legal and clinical), The Ontario Association for Family Mediation, The College of Psychologists of Ontario, The Ontario Bar Association, The Ontario Association of Social Workers, Children's Mental Health Ontario and the High Conflict Forum. The committee will use the information obtained from these meetings as they continue their work.

## **SIGNS THAT A DIVORCE MAY BE ON THE HORIZON**

By Andrew Feldstein

Amidst a slew of conflict and controversy, separating spouses can often be found dragging each other through costly and time consuming litigation – sometimes willingly. Some spouses have the foresight to see their separation coming long before the divorce process is initiated and they are in a position to prepare and work through the process as efficiently as possible. Unfortunately there are a plethora of less fortunate people who are caught off guard by their partner’s pronouncement that their relationship is over.

The reasons people choose to get divorced vary tremendously, but their actions once they decide they want to get divorced are fairly consistent. So then the question to ask is, what are some of the more obvious signs that a divorce may be on the horizon?

Frequent private phone conversations are a sign – particularly those that take place outdoors in below zero temperatures. One wonders what they might be talking about, but there is a good chance they are situated where they are because they have something to hide. Everyone talks about their spouse, but if they are saying mostly negative things it is likely to be done in private. There are usually plenty of suitable indoor locations for phone use when the conversation you are planning to have is pleasant.

Deception and expectation control is also a sign. Men and women planning to separate may suddenly begin talking about how poorly his or her business is performing, or about how much money he or she is losing on the stock market. In doing so, there is a good chance they are making an effort to set their spouse’s economic expectations as low as they can before the division of assets and debts becomes an issue.

A change in attitude when it comes to spending time with children can be a positive thing for happy and stable couples, but this sort of shift can be a sign too. Unfortunately, children often get caught in the middle of some fairly severe behavioural shifts when their parents are on the path towards separation. For example, a parent planning to divorce who typically shows little interest in the schooling and extra-curricular activities of his or her children may suddenly find the time to get more involved. While their motivation for doing so may be genuine, there is a good chance that they have an alternative agenda. In battles over custody and residency, the historical behaviour of the parties is one of the most important factors in deciding how the time with the children, post-separation, is to be divided. Therefore, a formerly distant parent stands to gain a lot by increasing the amount of time he or she spends with their children before the actual separation occurs.

Some individuals go as far as convincing their spouse to be more active in religious functions in advance of a divorce (one that is of course, unexpected to the persuaded party) so that they can attend religious ceremonies and related social functions with their children when the parents have different faiths. People are capable of attempting almost anything to generate evidence of their involvement with their children, particularly when it pertains to “major” life decisions, such as those involving religion, education, and medical treatment.

The development of certain other affiliations can also be a sign. Many marriages are strained by the opinions one’s friends and family have about their spouse. For example, if someone’s mother-in-law does not care for them, this may disrupt or possibly eliminate whatever relationship existed between the

mother-in-law and her child. Said relationship may be rekindled if marital problems are surfacing because it is often easiest to talk to other people who do not get along with your spouse, in this example your mother, about the reasons why you may want to end your relationship.

The financial repercussions of divorce are significant and as a result, a spouse may make suggestions that are aimed at improving his or her financial situation, in terms of the eventual calculation of net family property. For example, if a spouse brought the matrimonial home into the marriage and suggests that it be sold so that it would be categorized as a date of marriage deduction, *that* is a sign. During the course of a marriage, a spouse may unknowingly engage in transactions of this nature (those that lower his or her net family property), but when a spouse begins to shuffle assets or debts around with some consistency, that is also a sign that the path toward divorce is being laid out.

Where there exists some debate or confusion between spouses as to how to treat large sums of money, received from one of their parents, for example, that might also be a sign of pending separation. Consider this: when \$200,000.00 is provided to a married couple by one set of parents, not much thought is given to how to *classify* the money when it is received. Down the road, one spouse may ask the other to sign a promissory note saying they will pay the money back. In other words, the requesting spouse is suggesting the money was provided as a loan. The other spouse may argue that it was provided as a gift, and as we know, if a gift is paid into or used towards the matrimonial home it can be excluded from the net family property calculation. If it is a loan, however, it is considered a debt for the purposes of calculating net family property. Therefore, initiating conversation about whether money received was a gift, or a loan, might be a red flag.

Parties to a separation often express disappointment about “being taken advantage of” by their spouse. Unfortunately, the process whereby the spouse who commences the action gains the upper hand can be initiated long before either party obtains legal advice and prior to the separation.

Therefore, it is important for everyone in a marriage to be aware of these warning signs so that they can be prepared and know what to look for, moving forward and thinking back, so that they know how to react.

## **THE EVOLUTION OF THE HIGH DIVORCE RATE**

By Deborah Moskovitch

Have you ever stopped to ponder why the divorce rate has risen so dramatically over the past 50 years? When my parents married in the 1950s the divorce rate was minimal. According to Statistics Canada, in 1951 there were only 5,270 divorces in all of Canada. The number rose dramatically to a staggering 70,226 divorces in 2008 – a whopping 1,232% increase in total divorces over 50 years. This compares with an increase in the total population of only 139%. Divorce was a rare event previous to the First World War with a rate of less than one per 1,000 of the yearly number of marriages, says Stats Can.

There has been significant progress in divorce reform making it easier and fairer to obtain. Researchers would most likely agree that not only has divorce become more socially acceptable, but divorce laws have also changed to provide a more equitable resolution for many since the late 1960s. The amendment to the Divorce Act to permit the reason for divorce as no-fault (in other words, no-blame divorce) has radically altered the factors influencing the decision to divorce.

In other words divorce has become less of a stigma, you don't have to prove fault, and there is more fairness in addressing financial concerns for the disadvantaged spouse. In addition, there has been extensive research on the impact of divorce upon the family, children, social outcomes and so much more. This learning has enabled the development of more effective resources to help the divorcing individual. No longer does one feel forced to stay in a marriage when there is a serious breach of trust, or any kind abuse. These are very positive outcomes of divorce reform.

### **The grass isn't always greener, so why the high divorce rate?**

But, knowing what we do -- that the grass isn't always greener on the other side, that divorce can be hard on children, lifestyle is often diminished, and the divorce rate rises with each subsequent marriage -- why is the divorce rate still so high? Has the traditional wedding vow promising to love and cherish each other in sickness and in health until death do us part until death do us part lost its meaning? Or, have expectations about marriage and what we want out of a partner changed over the years, resulting in this dramatic rise in divorce.

Choosing to divorce is certainly not an easy decision. For most, the decision to divorce is a result of a great deal of soul searching and questioning. While the legal system for divorce is far from perfect, it is significantly better than it was in the 1950s. But, upon closer examination, it appears that changing attitudes towards relationships and marriage have impacted the divorce rate over the last 50 years. I spoke with one of the foremost sociologists and researchers in North America, Dr. Paul Amato, who has conducted extensive research on marital quality and stability.

### **The 1950s and "companionate marriage"**

I learned that to better understand divorce, you need to understand marriage and the attitudes towards each have changed and impacted these momentous decisions. Dr. Amato states that marriage in the 50s and 60s was called the "companionate" marriage. The feature of a companionate marriage was the idea of successful teamwork. That is, husbands and wives got married because they wanted to work as a team to accomplish a lot of important life goals -- like running a home, being economically secure, raising a family and so on. Those marriages weren't perfect; they weren't egalitarian because the husband was the head of the household. Nevertheless the assumption was that each partner was expected to sacrifice something of their own for the success of the team, and that marriage was more important than the individual.

### **The reason people get married today**

If you look at marriage today versus what was in the 50s and 60s, Amato's research uncovers a monumental change. "Since then, marriage has become more individualistic. The idea is that the marriage exists to allow each individual, husband and wife, to grow as a person and to become a better person -- to be the best person they can be," he says.

"If you ask people why they married today, as opposed to fifty years ago, they almost never say to have kids or buy a home together or be economically secure. What people tend to say now is, I got married because I'm in love and I've found my soul mate, someone who is going to help me grow as a person and achieve a deep level of meaning in my life," says Amato.

The purpose of marriage has become much more psychological and less pragmatic. Amato says at the same time, expectations from marriage have increased. Back in the 50s and 60s, people were not necessarily fulfilled from the marriage. For instance, a wife might have thought the husband was a good provider, he was good with the kids and they had a nice home to live in, and that was okay, he

says. "People were happy enough with that."

### **Why we divorce**

"If people [today] don't feel deeply fulfilled by the relationship, then they are much more likely to think that the marriage is bad, or problematic, or in trouble. As you see now, a lot of divorces occur not for serious relationship problems, but for existential reasons."

As you can see, the reasons behind saying "I do" to your partner have changed dramatically, thereby influencing the reasons for "I don't." If there is any sense that one of the couple feels like they are growing apart, and don't feel in sync any longer, an individual is more likely to leave the relationship. According to Amato, people are more likely to say, "This relationship is holding me back, I feel like life is passing me by. It would be a better thing to end this relationship and find truer happiness with another partner."

Today, people want someone to share a deep love, have great communication, and not only grow together but as individuals. However when things start to go wrong, it is inevitable that people will begin to question whether or not their partner really is their soul mate.

### **Before you commit or jump ship, consider a few things:**

1. Do I really know myself and my partner to understand what I want out of life?
2. What are my expectations of my partner, and does he/she know it?
3. Do I need my partner to help me fulfill my life goals and do we share the same values?
4. Do I need my partner to help me achieve my sense of completeness? And, if I do need help, and my partner can't provide what I need, is divorce really the answer? Or, can I achieve growth on my own and bring this new learning into the relationship for a deeper, stronger bond?
5. Are my own personal issues and emotional baggage affecting how I feel? And, if your answer is yes, perhaps it's your own soul searching and resolutions that might solve the problem, and not your soul mate.

As you can see, expectations and needs have changed, thereby influencing the decision to both marry and divorce. Fifty years ago the reason to marry was teamwork. And divorce was usually caused by very serious problems like abuse, domestic violence, alcoholism, infidelity, or some other difficult problem. Today what influences our decisions in a relationship are often more individualistic, and the problems in many instances have become more philosophical.

Perhaps today there needs to be greater communication before decisions are made both to jump in and jump out. Rather than simply saying you truly love each other and will work these things out when they happen, try to talk about your needs and wants before you get married or commit to a significant relationship.