



British Columbia Chapter of the Association of Family and Conciliation Courts

AFCC-BC Parenting Plan Guide





The Association of Family and Conciliation Courts

The Association of Family and Conciliation Courts (AFCC) is the premier interdisciplinary and international association of professionals dedicated to the resolution of family conflict. AFCC members are the leading practitioners, researchers, teachers, and policymakers in the family court arena.

The British Columbia Chapter of the Association of Family and Conciliation Courts (AFCC-BC) - which achieved provisional status in 2023 - is a diverse community of interdisciplinary professionals and allies dedicated to the constructive resolution of family conflict through education, innovation, and collaboration.

AFCC-BC's membership includes leading practitioners, researchers, teachers, activists, allies, policymakers, and judges in the family dynamic and family law arena.

We bring the strengths and values of our parent organization to our provincial chapter, focusing on providing our membership with jurisdiction-specific education, information, and training. Our events are offered online and in-person to allow for the inclusivity of practitioners throughout the province of BC.

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The Task Force had the benefit of input and feedback from members of the bench in British Columbia. The Task Force acknowledges, and appreciates their insightful, and valuable contribution to the AFCC-BC Parenting Plan Guide.



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These materials are not intended to provide legal and/or other professional advice, and neither AFCC-BC nor the members of the Task Force have any liability to users. The Guide is a “first version” and the AFCC-BC welcome comments and suggestions for future revisions.

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Terminology: Parents & Guardians

The British Columbia *Family Law Act* identifies “guardians” as individuals having the right to parenting time and having parental responsibilities concerning their child(ren), while the federal *Divorce Act* identifies “spouses” as having parental rights and responsibilities. In the AFCC-BC *Parenting Plan Guide*, the inclusive term “guardian” is generally used to refer to a person with parental rights and responsibilities, whether or not that person has a biological relationship with a child. When used, the term “parent” in this Guide includes “guardians” as defined in the BC *Family Law Act*.

AFCC-BC Parenting Plan Guide Index

AFCC-BC Parenting Plan Guide.....	8
 What is a Parenting Plan?.....	8
 Limits to Co-Parenting: Violence and Serious Wellness Issues.....	9
 The Purpose of the AFCC-BC Parenting Plan Guide.....	10
 Talking to Children About the Parenting Plan.....	11
 Making a Legally Binding Parenting Plan.....	11
 Professional Assistance.....	12
 Modifying the Parenting Plan.....	14
 The Importance of a Good Co-Parenting Relationship.....	15
COMMUNICATIONS.....	18
 Use a BIFF Response® - Responding to hostile emails/text/written communication.....	18
 Giving someone an EAR StatementSM will calm them down rather than escalate the conflict.....	20
 EAR StatementSM.....	20
AGE APPROPRIATE PLANS & SCHEDULES.....	20
 Parenting Schedules.....	22
 Siblings.....	23
 Infants: Birth to 9 months.....	24
Schedules for infants, birth to 9 Months:.....	25
 Babies: 9 to 18 Months.....	27
Schedules for babies 9 to 18 months:.....	27
 Toddlers: 18 to 36 Months.....	29
Schedules for toddlers, 18 to 36 months:.....	29
 Preschoolers: 3 to 5 Years.....	30
Schedules for preschoolers, aged 3 to 5 years:.....	31
Preschooler Children, Ages 3-5 years: Equal Time 2-2-3 (Alternated weekends) Schedule.....	32
 Early School Age Children: 6 to 9 Years.....	32
Schedules for children aged 6 to 9 years:.....	33
Early School Age Children, Ages 6-9 years: Equal Time 2-2-3 (Weekends Split) Schedule.....	34
Early School Age Children, Ages 6-9 Years: Expanded Weekend & Midweek Schedule.....	35
Early School Age Child, Ages 6 to 9 Years: Equal Time, 2-2-5-5 (Alternate Weekends) Schedule.....	36
Early School Age Child, Ages 6 to 9 Years: Equal Time, 3-4-4-3 Schedule.....	36
 Later School Age Children: 10 to 12 Years.....	37
Schedules for children aged 10 to 12 years:.....	37

<u>Late School Age Child, Ages 10-12 Years: 4-3 Schedule (Weeknights with A, Weekends with B).....</u>	38
<u>Early Adolescents: 13 to 15 Years.....</u>	39
<u>Schedules for adolescents aged 13 to 15 years:.....</u>	40
<u>Week on/Week off Schedule.....</u>	40
<u>Alternating 3-day Weekend Schedule with school year flip.....</u>	41
<u>Late Adolescence: 16 to 18 Years.....</u>	42
<u>Long Weekends, Vacations, and Special Days.....</u>	43
<u>Long weekends and Professional Development (PD) days.....</u>	43
<u>School holiday periods.....</u>	44
<u>Summer.....</u>	44
<u>Religious holidays and other special days.....</u>	45
<u>Persons Picking Up and Dropping Off the Children.....</u>	46
<u>Flexibility in Response to Unexpected Events and “Missed” Time.....</u>	46
<u>Telephone, Video Calls, and Other Contact (“Virtual Parenting Time”).....</u>	47
<u>Social Media.....</u>	48
<u>A Right of “First Refusal” (or Assuring Priority of Parental Care).....</u>	49
<u>Time with Other Significant Adults.....</u>	50
<u>Time with Siblings.....</u>	50
<u>Attendance at child-related events.....</u>	50
<u>Children’s personal items.....</u>	51
<u>DECISION-MAKING RESPONSIBILITIES.....</u>	52
<u>“Significant” Decisions.....</u>	52
<u>“Day-to-Day” Decisions.....</u>	54
<u>Emergencies.....</u>	54
<u>COMMUNICATING, PLANNING, AND IMPLEMENTING.....</u>	55
<u>Implementing Plans.....</u>	55
<u>Information Sharing.....</u>	56
<u>Extracurricular Activities.....</u>	56
<u>Religion, Spirituality, Culture, Language, and Ethnicity.....</u>	57
<u>Indigenous Heritage.....</u>	57
<u>Documents.....</u>	58
<u>Vacations and Travel.....</u>	58
<u>Passports.....</u>	58
<u>Restrictions on Travel.....</u>	59

REVIEW AND MODIFICATION OF PLANS.....	59
Monitoring and Changing the Parenting Plan.....	59
Regular Guardian Meetings.....	60
“Review” Clause.....	60
Anticipated Changes.....	61
Local Moves.....	61
Relocation.....	61
Family Dispute Resolution.....	62
SPECIAL CONSIDERATIONS IN MAKING A PARENTING PLAN.....	63
Guardians/Parents Who Never Lived Together.....	63
Long-Distance Parenting.....	64
Guardians in the Armed Forces.....	65
Children with Special Needs.....	65
Family Violence.....	66
Immigration Status and Intersectional Vulnerability.....	70
Parental Substance Misuse or Mental Illness.....	70
Incarcerated Guardians.....	71
CHILD SUPPORT.....	71
ADDITIONAL RESOURCES FOR GUARDIANS ON PARENTING PLANS.....	73
TERMINOLOGY.....	74

AFCC-BC Parenting Plan Guide

What is a Parenting Plan?

A parenting plan is a written document that outlines an agreement by guardians about how they will raise their child(ren) if separated or divorced. A parenting plan is intended to establish principles and rules to guide how guardians will share responsibilities and time with their child(ren), including addressing such matters as:

- when the child(ren) will spend time with each guardian (i.e. parenting time);
- when the child(ren) will spend time with meaningful adults who are not parents (i.e. contact time)
- who will make major and day-to-day decisions about the child(ren);
- how information is shared and communicated between guardians;
- how other related issues may be addressed, for example, involvement of new partners with the child(ren); and
- how future disagreements about the child(ren) will be resolved.

A parenting plan should have enough detail to be useful, yet have enough flexibility to be realistic, and to meet the changing needs of the child(ren) involved. It should reflect the needs of each child concerned at the time that it is made. It is almost inevitable that a parenting plan will have to be revised as children grow older, and their needs as well as the circumstances of their parents change. A parenting plan is best viewed as a working document that will need to be revisited and likely revised over time.

The process of guardians discussing issues, identifying areas of consensus and disagreement, reaching an agreement (often requiring flexibility and openness to the needs of others), and then setting out the plan in writing is important. Having a parenting plan can help minimize future conflict between parents by setting clear guidelines and expectations so that each guardian can support their child(ren)'s relationship with the child(ren)'s other family members. The process of making a parenting plan also gives guardians an experience in collaborative problem-solving.

Minimizing conflict between guardians is important. Children do significantly better if their guardians cooperate as well as communicate well with each other and the children are not exposed to co-parenting conflict. If communication and cooperation with the other guardian is difficult, a good parenting plan can provide the details of the parenting arrangements so that guardians are not required to negotiate every decision that needs to be made.

A parenting plan that the parents have voluntarily made may be made into a standalone enforceable contract, incorporated into a Separation Agreement, or incorporated into a consent order. This will give the parenting plan legal significance and make it enforceable by the Court.

Limits to Co-Parenting: Violence and Serious Wellness Issues

The *Divorce Act* and British Columbia's *Family Law Act* encourage guardians to use family dispute resolution processes that do not involve the Court to resolve disputes, to the extent it is appropriate to do so. Family dispute resolution processes may include but are not limited to negotiation, mediation, arbitration, and collaborative family law.

While cooperation between guardians and voluntary agreements is usually best for the child(ren), in cases where there are ongoing family violence concerns, or a guardian is living with serious mental health and/or substance misuse issues, voluntary arrangements may not be possible or appropriate. In such cases, the protection afforded by the legal process, support of trauma-informed professionals, and/or a Court Order may be essential to address the risk of harm to the child(ren) and/or the child(ren)'s family members. Further, it will only be possible to have a jointly made parenting plan, and voluntary agreement if the guardians are willing and able to communicate, cooperate, and make child-focused plans.

It is especially important for survivors of violence and/or abuse to have assistance.

[VictimLinkBC](#) provides emotional and crisis support to survivors of family and sexual violence, including survivors of human trafficking exploited for labour or sexual services. It is a toll-free, confidential, multilingual service (up to 150 languages, including many North American Aboriginal languages) available across British Columbia 24 hours a day, 7 days a week, and can be accessed by calling and/or texting 1-8000-563-0808 or sending an email to VictimLinkBC@bc211.ca. It provides information and referral services.

[BC Society of Transition Houses](#) provides a directory of all BC Society of Transition Houses Member Programs & Services, including Transition, Second and Third Stage Houses, Safe Homes, PEACE and Violence is Preventable programs across BC.

[Police Victim Services of BC provides police-based victim services](#) in communities across British Columbia. Police Victim Services helps those impacted by criminal or traumatic events navigate the complex criminal legal system and recovery process.

[Legal Aid BC](#) provides free legal advice and/or representation about family law issues for individuals with limited incomes and has free family law information on its website at legalaid.bc.ca and/or via toll-free call 1-866-577-2525.

The [BC Family Unbundling Roster](#) is an initiative that lets clients pay for some assistance depending on when they want help, and what they can afford.

In some cases, families may need protective measures in place such as a [Family Law Protection Order](#) or [Peace Bond](#). If family members are concerned for their safety, it is strongly recommended that they consider developing a [safety plan](#).

The Purpose of the AFCC-BC Parenting Plan Guide

The Guide is intended to help guardians and professionals deal with the main issues that commonly arise in making a parenting plan, but the discussion here is not exhaustive. Some issues discussed in the Guide will not apply to every case, and there may be others not discussed that guardians may want to address in their parenting plan.

This Guide does not address such legal issues as child and/or spousal support or property division, though these are often related to parenting issues, and can be addressed in a Separation Agreement or Court Order.

The Guide offers suggestions for improving parental communication and cooperation, and more specifically for jointly making a parenting plan.

Talking to Children About the Parenting Plan

One issue for guardians to address as they are making or reviewing their parenting plan is how and when to involve their child(ren). While it is preferable for guardians to decide together how to involve their child(ren) and develop a joint strategy, this is not always possible - especially at the early stages of separation if the parents are having difficulty communicating and/or cooperating. It is important not to draw the child(ren) into disputes between their guardians or place the child(ren) in a position where they have to "choose sides". If guardians are not able to effectively communicate with one another, it is highly recommended that they seek the assistance of a dispute resolution professional or mental health professional to assist them in formulating a joint plan and aligning on how to discuss the separation with their child(ren).

Guardians should be aware that their child(ren)'s views and preferences are important factors when deciding about their care, and, particularly as children become older, children should be consulted as plans are being made and revised.

If the guardians have different perspectives on their child(ren)'s views, it may be helpful to involve an independent professional who is trained to support the child(ren) and to advocate their preferences as well as needs. These professionals can meet with the child(ren) to explore their views and share this information with the guardians.

Making a Legally Binding Parenting Plan

Guardians may want to have a legally binding parenting plan. If a parenting plan is included in a Court Order under the *Divorce Act* or British Columbia's *Family Law Act*, it will be legally binding, and the Court may enforce it.

The *Divorce Act* applies when spouses who were married are getting a divorce and uses the term "parenting plan."

The British Columbia's *Family Law Act* applies to other cases, for example when guardians were not legally married to one another. The *Family Law Act* uses the term "parenting arrangement" instead of "parenting plan," though they are practically equivalent. For the discussion in the AFCC-BC Parenting Plan Guide, we will generally use the term "parenting plan," as they both mean the same thing.

A parenting plan may be a standalone document or can be incorporated into a larger written document, a Separation Agreement, which deals with a range of other issues, such as child and spousal support, and division of property.

A parenting plan may have practical and legal significance even without being incorporated in a Court Order by being part of a Separation Agreement, but it is preferable to consult with a family law lawyer and to get legal advice to discuss issues about how a parenting plan can be enforced.

A family law lawyer can also discuss the implications of a parenting plan for child support and/or other legal issues. For example, one factor to consider is that outside agencies and/or professionals, such as schools, health care professionals, and government agencies may require a written agreement or Court Order if they are to provide reports or comply with the plan in other ways, and will need documents that are clear and easy to understand.

Professional Assistance

Guardians can make a parenting plan together without seeking professional help. However; guardians will often benefit from the assistance of mediators, counsellors, therapists, and/or advice from family law lawyers to help make a parenting plan. It is important that each guardian knows and understands their legal rights and responsibilities. Consulting a family law lawyer will help achieve that understanding. It is an especially good idea to seek independent legal advice before finalizing a parenting plan, in particular, to understand its implications for financial issues like child support.

The Government of British Columbia provides free legal and parenting materials as well as some consultation and mediation services that can assist separated guardians through its [Justice Access Information Centres](#), which are located in Vancouver, Victoria, Nanaimo, Surrey, and Abbotsford, and can be contacted for an online video or telephone consultation: phone 604-660-2084 or toll-free in B.C.: 1-800-663-7867 (ask to be connected to 604-660-2084).

[Legal Aid BC](#) provides free legal advice and representation about family law issues for individuals with limited incomes and resources, and has free family law information on its website: see <https://legalaid.bc.ca> or call 1-866-577-2525.

The BC Collaborative Roster operates a pro bono project that provides low-income families who qualify with two lawyers, a mental health professional, and a financial specialist all at no cost to the family. Click on this link for more information

<https://www.bccollaborativerostersociety.com/pro-bono-collaborative-family-law-project/about/>

There are family law lawyers in British Columbia who are willing to provide advice or consultation to guardians on a “limited scope” basis, charging a fee, usually an hourly rate, to review and give advice about a parenting plan or other agreement, without providing full representation. The [BC Family Unbundling Roster](#) is an initiative that lets clients pay for some assistance depending on when they want help, and what they can afford.

There is also a good public access legal information website funded by the Law Foundation of British Columbia with a [family law section on Clicklaw](#).

British Columbia offers a free online [Parenting After Separation course](#) for parents in the province, as well as a [Parenting After Separation for Indigenous Families](#), a special program for Indigenous families.

Family mediators can provide valuable assistance to guardians in reaching agreements, whether or not the guardians have lawyers. [Mediate BC](#) has extensive information about family mediation on its website.

The Public Health Agency of Canada also has very useful material for parents who are separating: [Because Life Goes On...Helping Children and Youth Live With Separation and Divorces](#).

Having a Temporary Plan

Guardians should begin consulting and planning for their child(ren) as they begin the process of separation. However, separation may be a particularly stressful and uncertain time for guardians and their child(ren), and it may take a while for the situation to be stable enough to make a long-term plan.

It will often be helpful for guardians and the child(ren) to “try out” an arrangement or schedule to see how it meets their needs and adjust their plan accordingly. It is often useful for children to try out different arrangements, and then seek their views before making definite plans. While children’s experiences and opinions are valuable in this process, it does not put them in the position to make the final decision. Guardians should make it clear to the child(ren) that they will make the plan, after considering the child(ren)’s view(s). This helps to shelter the child(ren) from participating directly in co-parenting matters or possible co-parenting conflict. It also prevents the child(ren) from carrying the weight of decisions being made.

In some cases, guardians may decide to have a temporary parenting plan that deals with the most pressing issues that need to be resolved, while deferring the negotiation of a longer-term plan. Even if a plan is intended to be temporary, it will be useful to have it in writing. Such a plan should include a specific statement that it is intended to be a temporary or interim plan that will be replaced by a longer-term and often more detailed plan. However, if guardians do not review or change their plan as anticipated, a status quo parenting arrangement may be established that could be a factor in future court proceedings, long after the temporary plan was expected to be replaced. Status quo refers to the existing state of affairs or “the way things are” in regard to the parenting time/arrangement. It is highly recommended that guardians seek legal advice before entering into a temporary plan that could later be determined by the courts to have established a status quo pending a trial.

Modifying the Parenting Plan

Some aspects of a parenting plan are very likely to change as children grow older and the circumstances of guardians change. If guardians cannot agree between themselves on how to modify their parenting plan, they may find it helpful to get the support of a family dispute resolution professional, and/or to speak to their lawyers. In some circumstances, it may be appropriate to seek advice from a mental health professional and/or other expert before modifying a plan.

As discussed in detail below, when making their first parenting plan, guardians should think about possible changes that might need to be made to the plan in the future, and also consider how they will agree on/solidify future changes as required.

Even if a parenting plan has been incorporated in a Separation Agreement or Court Order, in many situations guardians may agree to modify or change their parenting plan by agreement. Any such modifications should be documented in writing. A modified plan may not be legally enforceable without formally altering the Court Order or Separation Agreement. Further, a substantial change in the amount of time that a child spends with a guardian may affect child support obligations. It is a good idea to consult a family law lawyer if a substantial change is being considered.

The Importance of a Good Co-Parenting Relationship

Before addressing issues related to the specifics of parenting schedules and plans, guardians should consider the psychological context of “parenting apart” and the principles that should guide their decision-making and co-parenting.

While adults may feel anger, distrust, grief, or a sense of betrayal at the end of their intimate relationship with the other guardian, or have difficulty trusting someone they do not know well, the guardian(s) need to recognize that their co-parenting partnership should focus on the best interests of their child(ren).

At times guardians may disagree on what those best interests are. In those moments of disagreement, it may be helpful to seek the support of a professional to provide insight or to refer to [s. 16](#) of the *Divorce Act* and [s. 37](#) of the *Family Law Act*.

Guardians who were previously in a relationship that is going through the process of separation may face real challenges if their relationship changes from an intimate relationship to one of “co-parents”, who will share parenting responsibilities and care for their child(ren) while otherwise pursuing separate lives. Guardians sometimes fear that the loss of their intimate

adult relationship will also mean the loss of their parent-child relationship. They may also be concerned about the negative impact that their separation may have on their child(ren)'s healthy development. It is important for guardians to be aware of their child(ren)'s experience with the parents' separation, and to ensure that the child(ren) is adequately supported throughout the process.

The *Divorce Act* ([s. 16](#)) and the *Family Law Act* ([s. 37](#)) require guardians to act in the best interests of children. This includes expecting guardians, to the best of their abilities, to shield their child(ren) from direct as well as indirect conflict. It also includes an expectation that each guardian will support each child's relationship with the other guardian(s), unless inappropriate to do so if there are ongoing, unaddressed, or unresolved family violence concerns for example. It may be helpful to seek the support of professionals to assess safety concerns and provide recommendations on how to support the child(ren) in these cases.

There is a growing body of research on the effects of separation and divorce on children. Using this research makes it possible to better assess the child(ren)'s needs and to develop plans that meet those needs and promote the child(ren)'s healthy development. It is generally accepted that in most cases where guardians have separated:

- children do best in both the short-term and the long-term when they feel loved and cared for by parents;
- children generally do better when each parent has meaningful and consistent involvement in their child(ren)'s lives;
- if a parent is supportive of the relationship(s) between their child(ren) and the other parent(s), it can benefit the child(ren)'s relationship(s) with their other parent(s);
- if a parent is not supportive of the relationship(s) between their child(ren) and the other parent(s), it can be detrimental to the child(ren)'s relationship(s) with their other parent(s);
- the strength of a parent's relationship with their child(ren) is affected more by commitment, warmth, and the ability to meet the child(ren)'s needs than it is by the amount of time spent with the child(ren);
- each parent has different and valuable contributions to make to their child(ren)'s development;
- children should have both structured routine time (such as wake-up, meal time, bathing, bedtime tuck-in or doing homework) with each parent, as well as unstructured time (such as playing in the park) where possible;
- parents should help their child(ren) maintain positive existing relationships, routines, and activities;
- children find security in personal possessions, like a favorite stuffed animal, and should be permitted to bring personal possessions back and forth between homes, regardless of which parent purchased them; and
- parenting plans will need to be adjusted over time as the needs and circumstances of children and parents change.

Research has clearly shown that children are harmed by exposure to conflict between their caregivers, and even exposure to verbal arguments between their caregivers may harm children. Conflict between guardians increases children's anxiety and negatively impacts healthy child development. Guardians should also avoid arguments in the presence of their child(ren), such as during exchanges. Family dispute resolution professionals also commonly advise that:

- parents should not make the child(ren) feel that they have to "choose" between their parents;
- children should not be made to feel guilty about having a good time with the other parent(s) or another side of the child(ren)'s family;
- each parent should strive to have an amicable or at least business-like relationship with the other parent(s);
- each parent should support each child's relationship with the other parent(s);
- a parent should not make comments that could negatively impact the relationship the child has or the view they have of the other parent(s) in the presence of the child(ren), where the child(ren) may read/see them, and/or when the child(ren) may overhear them;
- parents should discourage relatives, friends, and bystanders from making comments that could negatively impact the relationship the child has or the view they have of the child(ren)'s other parent(s) and/or family members of the child(ren) in the presence of the child(ren), where the child(ren) may read/see them and/or within their earshot;
- children should never be asked to communicate messages between parents, in particular about co-parenting matters such as financial matters or issues about which parents disagree;
- parents should exchange the child(ren) without arguing and by acknowledging each other in a polite way;
- parents should work together to allow their child(ren) to attend important family celebrations and events with the other parent(s);
- while parents should acknowledge that there may be differences between their two homes, such as in daily routines and activities, religious observances, and diet, it is preferable to refer to these as "differences," and not as "better" or "worse";
- Children generally benefit from consistency between homes for things like bedtimes, and this is especially important for young children with regards to sleep and meal times;
- While parents should try to develop consistent rules about acceptable adolescent behaviour, most older children are adaptable and tolerate differences in rules (such as between home and school). In some situations, day-to-day co-parenting issues may need to be addressed in a parenting plan. For example, this may arise about safety issues

or children with specific health concerns. However, parents also need to appreciate that they may each have different lifestyles and day-to-day parenting approaches generally should not be controlled in a parenting plan; and

- If one parent has been significantly more involved with the care of the child(ren) before separation, or a parent may have never lived with the child(ren), the more involved parent may need to help the other parent gain the skills and knowledge to care appropriately for the child(ren), and support the development of a positive relationship between the child and the other parent. The parent with less or no prior involvement will also have to make efforts to gain the necessary parenting skills and knowledge. While the parent who has had primary care may feel concerned about giving care of “my child(ren)” to another person, it is important that the primary caregiver empower the other parent to have time alone with the child to allow their relationship to develop, unless there are legitimate concerns about a parent’s capacity or intentions to care for “their child(ren)”. It may be helpful to involve appropriate professionals to assess the capacity to care for the child(ren) where the parents disagree.

Transitions, by their nature, can be difficult for children. Many children struggle when they are required to interrupt an activity or to leave a guardian. This difficulty can be further magnified if children are also exposed to conflict between their guardians, or they perceive stress/anxiety in their guardian(s). It is not unusual for children to appear distressed or to show sadness or anxiety at transition times. It often helps for the transitions to take place at school, daycare, or camp, where a natural transition of care already exists. If this is not an option, it may be better for the guardians to decide on a consistent exchange location. Neutral exchange locations can avoid the possibility of conflict in safe places for the child(ren) such as their home. When transferring care from one guardian to another, it is important to positively support the transition and such support can help to lessen the child(ren)’s sense of being interrupted and taken away from a guardian.

COMMUNICATIONS

Use a BIFF Response® - Responding to hostile emails/text/written communication

Some guardians can maintain warm, amicable, and friendly relations with each other, but for many, their co-parenting partnership is likely to be strained, especially in the period following the separation. Even if guardians have a good co-parenting partnership, there will be disagreements. Despite disagreements, and especially if guardians have a strained relationship, it is important for the child(ren) that their guardians communicate effectively and respectfully.

Often much communication between separated guardians is by email, text, and/or other electronic communication. There is a lot of information available to help guardians communicate effectively. One central theme is to focus communications on the specific matters at issue and avoid negative comments about the other guardian. It may be helpful for guardians to see themselves as (business)partners working for their child(ren). Their communication should reflect the common goal of co-parenting with minimal conflict.

If a guardian is making derogatory comments, it is not helpful to “respond in kind.” Instead, each guardian should use their best efforts to “take the high road”, and use a “BIFF Response®” which keeps the communication Brief, Informative, Friendly, and Firm.

Consideration of how the other guardian may feel and react before sending a text and/or email can be helpful. Upset feelings and reactions (and extreme negative reactions) can impact the amount of conflict between guardians.

The BIFF Response® method requires a response that is a few short sentences that stick to the facts, has a friendly tone, and requires either a choice to be made in a certain timeline or ends the discussion.

Brief: Keeping responses brief is preferable. This will reduce the chances of a prolonged and angry back and forth. The more a guardian writes, the more material the other guardian(s) has to criticize. Keeping it brief signals that the guardian who is responding does not wish to get into a dialogue. It is suggested that guardians try to avoid taking statements personally and refrain from responding with a personal attack. Trying to avoid focusing on comments about the person’s character can be helpful to avoid escalating the conflict.

Informative: The main reason to respond to a hostile text, email, etc is to correct inaccurate statements that might be seen by others. “Just the facts” is a good idea. Focusing on the accurate statements that are needed as opposed to the inaccurate statements that the other person made can be helpful. Avoid negative comments. Avoid sarcasm. Avoid threats. Avoid personal remarks about the other’s intelligence, ethics, or moral behavior. Personal attacks will not help to reduce the conflict. Personal attacks rarely lead to insight or positive change.

Friendly: While it may be tempting to write in anger, writing in a friendly manner is more likely to achieve the goal of the communication. Often a friendly response will increase the chances of getting a friendly – or neutral – response in return. If the goal is to end the conflict, then being friendly, and nonantagonistic has the greatest likelihood of success. Brief comments that show empathy and respect will generally calm the other person down, even if only for a short time.

Firm: In a non-threatening way, clearly telling the other person the information or position on an issue can be helpful. Being careful not to make comments that invite more discussion is suggested, unless while negotiating an issue or wanting to keep a dialogue going back and forth. Sounding confident and not asking for more information can help to end the back-and-forth. A confident-sounding person is less likely to be challenged with further emails. Keeping it brief and not emotionally engaging can reduce conflict. It often helps to just repeat the key information using the same words. One way to think about communications with the other guardian(s) is to imagine how a judge might later view the exchanges. Would a judge view your emails as cranking things up and focused on the other guardian, or calming them down and child-focused?

Giving someone an EAR StatementSM will calm them down rather than escalate the conflict.

A simple technique called an “EAR Statement” can help calm others down.

EAR StatementSM

EAR stands for Empathy, Attention, and Respect. An EAR Statement connects with the person’s experience, with their feelings. For example, let’s say that someone verbally attacks another person for not returning a phone call as quickly as they would have liked. “You don’t respect me! You don’t care how long I have to wait to deal with this problem! You’re not doing your job!” Rather than defending yourself, give the person an EAR Statement, such as: “Wow, I can hear how upset you are. Tell me what’s going on. I share your concerns about this problem and respect your efforts to solve it.” This statement included: EMPATHY: “I can hear how upset you are.” ATTENTION: “Tell me what’s going on.” RESPECT: “I respect your efforts.”

AGE APPROPRIATE PLANS & SCHEDULES

Canadian law does not start with a presumption that there will be shared parenting time or any other particular parenting schedule. Both research and Canadian law support individualized plans for the child(ren) based on the best interests of each child in the family and the circumstances of the guardians, rather than presuming that a plan like one based on shared parenting time, is appropriate for any specific child.

The use of plans based on shared parenting time is becoming more common in Canada, and some children benefit from such arrangements. Other children experience these shared parenting time schedules as disruptive or uncomfortable. Continuous exposure to conflict can deeply affect children, so it is important to have a parenting plan that reduces the potential for confusion and/or disagreement.

Shared parenting time (which is defined as between 40% and 60% of the time with each guardian) may not be appropriate if:

- there is a high level of parental conflict, and/or poor communication;
- the guardians do not live relatively close to one another;
- the guardians were not significantly or actively engaged in the care of the child(ren) before the plan is put into place;
- the child(ren) is/are older and do not support this arrangement.

Further, whatever the initial plan, the best interests of the child(ren) and the circumstances of the guardians change as the child(ren) grows older, so plans for their care generally need to be adjusted to support their ongoing development. As will be discussed, in some cases it may be appropriate for parenting plans to start with children spending more time in the care of one guardian, and over time the plan may move towards shared parenting time.

What follows are suggestions for plans and parenting schedules for children of different ages/stages. The suggestions for plans emphasize issues that guardians should consider for their child(ren) at different ages; however, each child and family situation is unique.

Inevitably no plan will be “perfect” for the guardians or their child(ren), and each plan will be based on compromises and trade-offs. Guardians -- sometimes after professional consultation -- often can decide on a parenting plan that meets the needs of their child(ren) and one that they can realistically carry out.

A family dispute resolution professional may be able to help guardians make a workable schedule if they are unable to agree. Failing that, a Court may resolve the issues needed to make a parenting plan.

Parenting Schedules

In most cases, a good starting point for discussions about an initial parenting schedule may be considering the history as well as the future of caregiving arrangements that are possible for the guardians. Parenting time schedules should place [the child\(ren\)'s best interests](#) at the forefront. That usually means that keeping the consistency of caregiving at the start is important, along with a plan to transition towards arrangements that are possible for the guardians and further the children's well-being in the new family arrangement. In many families, if the guardians were living together, they may have had roughly the same level and time of parenting involvement, either right from birth or as parental roles evolved as the child(ren) grew older. In some families, extended family members may play an important role in child rearing and decision-making for the child(ren).

The fact that a guardian may have provided more care before separation may contribute to determining what makes sense for an interim parenting schedule. However, it is important to recognize that regardless of prior parenting arrangements, and in the absence of legitimate concerns about risks to the safety or well-being of a child, guardians are expected to have significant roles in the lives of their child(ren) after separation.

Canadian law recognizes that a child should have "as much time" with each guardian "as is consistent with the child's best interests." Further, each guardian is expected to act in each child's best interests, which normally includes supporting and maintaining the child's relationship with the other guardian(s).

It is also important to appreciate that in many cases the needs of the child(ren) and expectations of guardians will change as a result of separation. The amount of care that each guardian provides their child(ren) may change separation. This might, for example, reflect an expectation that if there were no separation, the guardian who has been less involved in childcare would in any event have expected to be more involved as the child grows older.

Separation may also result in a stay-at-home guardian obtaining employment or being otherwise involved outside the home, thus creating the need for more care by the other guardian(s). Further, if the guardians have never lived together, the

guardian who does not live with the child(ren) may need an opportunity to begin a caregiving role without a prior history of care.

As discussed below, it may be appropriate to have an evolving parenting plan that is based on an expected increase in care over time by the guardian who has been less involved before separation, or not involved at all, as that guardian's relationship with the child(ren) strengthens (often called a "step-up plan" for parenting time).

In making and modifying plans, guardians must also be realistic about their capacities and commitments, and those of the other guardian(s). Factors such as work schedules, the relative locations of homes, the resources of the guardians, and the availability of transportation will all affect parenting plans and schedules.

Parenting plans made for infants and young children will need to evolve as children get older and start to attend school. This may require fairly regular revisions, as children's needs evolve quickly in the first few years of life. Parenting plans designed to accommodate guardians' employment may need to be modified if a guardian changes their employment or work schedule. It is important for guardians to communicate effectively, discuss with one another about the changes that they observe in their child(ren), and be prepared to review the plans previously made.

Each family needs to consider the age, temperament, previous caretaking arrangements, and the child(ren)'s relationships with each guardian, as well as specific needs, such as whether a child has special needs related to a physical condition or a neurodevelopmental disability (e.g. a learning disability, ADHD and/or autism). Most important is that guardians can communicate about their children regularly. Guardians must share information so that children's experience, as they transition between guardians, is as smooth as possible. It is especially important for guardians to communicate about changes in the child(ren)'s health conditions, developmental progress, and/or recent incidents that may have upset their child(ren). Regardless of the parenting plan selected, regular developmental screening is generally encouraged by health practitioners for all children birth to five. A range of early intervention services are available in many communities if concerns are identified.

Siblings

Siblings are usually good emotional support for one another, and keeping them together in a parenting schedule often provides them with security. It is generally emotionally preferable and more practical to keep siblings together during

parenting time, even if there are age differences that extend over several years. Guardians need to develop a plan that works well for all of their children, even if that plan may not be developmentally optimal for one child at a particular point in time.

There are, however, circumstances when children should have different parenting schedules. For example, when there is a significant age difference between siblings, guardians may decide to include alone time with each child in the parenting schedule for that child to recognize the developmental differences between siblings. In some cases, one child may have special needs that require a different plan from a sibling. Knowing the views and experiences of children may be especially helpful if guardians are considering different schedules for siblings.

Infants: Birth to 9 months

Infants change and learn at a rapid rate. Between the ages of two and seven months, infants come to recognize and become psychologically attached to caregivers who provide regular, reliable feeding, holding, soothing, and diaper changing. The quality of relationships in the first few years of a child's life continues to influence a child's well-being into adolescence. As they become older, infants begin to enjoy play and stimulation with caregivers. They learn to love familiar, reliable caregivers and to trust that their needs will be met by these adults. These early interpersonal experiences become a blueprint for their future relationships.

A caretaker's consistency, sensitivity, and capacity to respond to an infant's needs helps the child develop the ability to self-soothe, trust others, and explore their world to learn from it. It is important that infants are not stressed by absences from known, warm, responsive, and predictable caregivers. Caregivers must be emotionally available and have the necessary skills and knowledge, such as the ability to notice signs of hunger and fatigue, mirror the baby's efforts to make contact, respond to the baby's smiles and babbles or gestures, and have knowledge of developmentally appropriate play.

It is now widely recognized that infants can build strong relationships with more than one caregiver. While it is clear that responsive, warm, and consistent care during the first months and years of life are critical for emotional and brain development, it is also well established that infants can develop strong positive relationships with more than one caregiver, provided that each caregiver can provide adequate care for the child. In fact, having multiple strong relationships has shown to be of benefit to children. These relationships are built through the frequency of contact and quality of interactions.

Guardians may want to follow the recommendations of the World Health Organization for breastfeeding for infants (exclusively for the first six months, and with the introduction of other foods through the next 18 months); however, parenting time with the other guardian(s) can be accommodated even if a child is breastfeeding. The non-breastfeeding guardian can feed an infant expressed milk from a bottle, particularly after nursing routines are established, or can establish nutritional and/or comfort routines using infant formula that are supportive of the child's emotional and nutritional well-being. Almost all infants adjust to taking a bottle of expressed breast milk or formula from another regular caregiver. If guardians have different views regarding this topic, a consultation with the child's pediatrician or a lactation specialist may be of assistance.

Schedules for infants, birth to 9 Months:

If one guardian is the primary caregiver of the infant in this period, and the guardians separate or did not live together after the infant was born, the child(ren) will normally continue to primarily reside with that person. It will be important for the other guardian(s) to develop childcare capacity and a relationship with the child(ren) before taking care of an infant on their own.

If one of the guardians has not been significantly involved in caregiving for an infant, it is important for familiarity to develop between the infant and that guardian, starting with frequent contact for short periods. In these cases, it would be beneficial to the child to have their primary caregiver's support in those relationships. The primary caregiver may have concerns about giving care of "my child" to anyone else. However, it is important that the primary caregiver does not become a "restrictive gate-keeper", but rather takes the long-term view in promoting healthy child development by supporting the other guardian(s) and their relationship with the child(ren) unless there are legitimate concerns about the other guardian's capacity to care for the infant. If the guardians disagree about a guardian's capacity to care for the infant, it may be helpful to have a professional to support the family by assessing the child's needs, and the guardian's capacity to care for them.

The process of developing parenting skills and connection with an infant may start with regular short parenting time of a few hours at the home of the primary caregiver or a location that is familiar to the infant. There may at first be frequent and regular contact that includes opportunities for all caretaking activities, such as feeding, playing, soothing, bathing, and putting the infant to sleep for naps. As caregiving skills are acquired and the parent-child bond develops, this should evolve to longer visits that may include building familiarity with the child(ren) in what can become familiar places with the other guardian.

If the guardians cannot support the infant's needs by sharing necessary information for transfer of care between respective parenting time to support the best interests of the infant, or if one guardian is unable to acquire the necessary caregiving skills, consideration should be given to having the child remain in the care of the primary caretaker, with frequent, short periods of parenting time with the other guardian(s). These frequent, short periods of parenting time can be expanded as the other guardian(s) acquires necessary caregiving skills and/or information sharing improves. Infants are sensitive to conflict between their guardians and may become difficult to soothe during transitions. A third-party familiar with the child may be helpful to transition the infant if guardians are unable to do so without conflict or no-contact transitions (i.e. one guardian drops off at daycare, and the other picks up) may be helpful

To develop healthy relationships with guardians, an infant should not be away from either guardian for more than a few days. Extended separation from a primary caregiver should be avoided for infants in the first year of life. However, even in the first year of life, overnight parenting time with the other guardian(s) is appropriate if that guardian is an actively involved caregiver. Before having solo care or an overnight, the infant should be comfortable with that guardian and should be able to be soothed, fed, and cared for by that guardian. It is preferable for infants to become familiar with a space wherein they will be spending overnight parenting time, and therefore guardians should have the opportunity to introduce the infant to the space in advance of overnight parenting time.

It is essential that the guardians and caregivers communicate frequently with each other about the baby's routine and habits to best meet the baby's needs. Good communication is especially important when children are pre-verbal. Communicating about the baby's sleep, feeding, and waking cycles, as well as sharing tips about what helps soothe and manage the baby, can lead to decreased stress for the baby.

Especially for infants and young children, guardians should communicate with one another where they exchange information to ensure continuity of care between them. This information should include: when and what the child(ren) ate, when the child(ren) slept, elimination, health, development, overall mood, any medication administered, and attainment of new milestones. Consideration should be made to communicate this information in advance of the transition of care to avoid prolonged exchanges and to ensure adequate information is provided to the guardian who will be receiving the child about the infant's needs (such as when they need to be fed next). It is helpful to include a term in the parenting plan that requires each guardian to provide a transition summary that includes the information set out above.

Consultation with a pediatrician, child specialist, and/or co-parenting professional may help guardians to better understand the needs of children, especially preverbal infants and babies, and agree about significant parenting issues. However, if guardians continue to have very different views about parenting, are unable to share a routine, or the infant is responding poorly to the different caretaking practices, it may be better for one guardian to have a more limited role during this early and vulnerable period of life until these challenges are reduced or removed.

Babies: 9 to 18 Months

Between the ages of 9 and 18 months there is rapid skill development including motor accomplishments (crawling, standing, and walking), communication, starting with sounds and developing to simple words, deliberate expression of emotions (hugs, kisses, fear, anger, and anxiety), and increased understanding of the functions of people and things.

A consistent and predictable schedule of waking, eating, and sleeping is necessary to allow the baby's development of self-regulation and self-soothing. It is in the child's best interests for guardians to primarily consider a baby's normal routines when making a parenting plan. Limiting the amount of transitions and changes may be preferable for the child. It is important to explore all options, including the possibility of the child(ren) spending more time with the primary caregiver, and frequent parenting time with the other guardian(s).

Schedules for babies 9 to 18 months:

Babies of this age may be best supported by developing a parenting plan that considers:

- the amount of prior involvement of each guardian with the baby, including caretaking routines and experience with childcare functions such as feeding, bathing, playing, soothing, getting ready for bed, and waking;
- the ability of each guardian to be attuned and responsive to the baby's needs;
- the baby's emotional, social, physical, and cognitive development, which includes ability to self-regulate and to understand that when someone is out of sight they still exist; and
- the baby's temperament.

If a guardian has had primary care, the duration and frequency of contact with the other guardian(s) will depend upon that person's availability, willingness, and sensitivity to the child, as well as the baby's temperament. Guardians also need to consider their work schedules and the baby's sleeping and eating routines. As with infants under 9 months of age,

overnights with a non-residential guardian may be appropriate if that person is attuned and able to support the baby's needs. Adapting the schedule over time to allow for an increased amount of time between the child(ren) and the guardian who has had less experience or time with the child should be considered as their experience increases.

If the guardians only separate when the child is in this age range, and guardians have had consistent, good-quality involvement in all aspects of care of the child before separation, it may be appropriate for a shared parenting arrangement to continue with regular overnights with guardians. In these circumstances, the child should have the opportunity to see each guardian in person every two to three days.

If a guardian has had less parenting and childcare time when a parenting plan is being developed, there should be opportunities to participate in feeding, playing, bathing, and sleeping times before that guardian has solo care and overnights. To strengthen the relationship, there should be contact between the guardian and baby every few days, gradually increasing the length of separation from the primary caregiver as the baby starts to tolerate the possibility of starting overnight visits.

As with younger infants, a communication log is essential. This log, whether hand-written or digital, should include information about eating, sleeping and elimination, as well as health, developmental changes and new milestones.

It is important that guardians avoid exposing the child(ren) to conflict. Even preverbal babies will be stressed by the tension between their caregivers.

Toddlers: 18 to 36 Months

Toddlers are becoming independent as they develop more control over their environment through walking and starting to talk. They try to explore their environment, though usually returning to their caregivers for comfort and support. They have an increased capacity for observation and imitation. Most toddlers are starting to say their first few words by 18 months and are asking for what they want to get their needs met. Toddlers have better memory than infants, and most are able to tolerate longer separations from a primary caregiver without too much distress. If separations are too long, toddlers may express their distress by being clingy, showing less interest in exploring their environment or may exhibit behavioural changes.

Toddlers are sensitive to arguments between caregivers, and they become distressed when their guardians argue.

Toddlers need predictable and consistent routines and clear structures that help them develop a sense of limits to help them feel safe and secure. While they need to be closely supervised and have little sense of danger, they should have opportunities for exploration.

Healthy toddlers are starting to assert their independence and may express themselves by saying “No” and resisting even the most reasonable parental requests. Some children at this age become fearful of separations and may cling or cry at separation from guardians (including when left at daycare). Resistance to parental exchanges is normal for many toddlers and is not necessarily a sign that the child is rejecting a guardian. At this age, transitions are easier if the guardian with care of the child(ren) gets the child ready and takes the child to the other guardian(s). Transitions that occur at neutral locations, such as the child’s daycare, may decrease levels of distress often associated with transitions.

Schedules for toddlers, 18 to 36 months:

If guardians have shared in the caretaking arrangements before the child has reached this age and the child has an easy temperament, parenting time can be shared equally as long as the separations from each guardian are not too long (no more than two to three days or two nights for example). If there are older siblings, they are often part of the security system for toddlers and they should normally be on the same parenting schedule.

If a child is not particularly adaptable or flexible, guardians should focus on providing consistency for that child and communicating effectively with one another to support that child’s best interests. In some cases, a gradual increase of parenting time/overnights between the primary caregiver and other guardians may allow the child to develop a sense of comfortability and familiarity with the other guardian. An example of this schedule may be three periods during the week, made up of one or two 4 to 6-hour blocks and one or two non-consecutive overnights. Ineffectively communicating with each other about the child(ren) will make the transition between homes more difficult for the child(ren).

If one of the guardians is in the process of establishing the parenting skills necessary to support the best interests of their toddler, that guardian might begin with 2 or 3 days of parenting time per week to give them the opportunity to develop a relationship and the necessary parenting skills. The number of hours per day could increase over time as the guardian’s skills develop, and then progress to overnights. At least initially, if there is more than one overnight a week, they should be non-consecutive. More overnights may be added/appropriate if the child responds well to overnight parenting time or there are older siblings who can provide support for the younger child.

Guardians of toddlers should cooperate and share information through a log or digital exchange out of visibility of the child(ren) about the child's eating, sleeping, health issues, and activities. At this age, it is important that separated guardians have consistent approaches to caregiving, including bedtimes and feeding. Guardians should avoid arguments when they are exchanging care. Even at this age, children will be stressed by tension and argument between caregivers. If exchanges by the guardians are tense, it is preferable to have a third party, like a grandparent, take the child from one guardian to the other or have no contact (i.e. one guardian drops off, and one guardian picks up the child) transitions through a daycare if the child goes to one.

Preschoolers: 3 to 5 Years

Preschoolers experience a tremendous amount of developmental change. They have a growing sense of independence, but they find security in their routines. Their social networks are expanding to include other children, teachers, and families. They are learning to interact with others and to increasingly understand the rules of social engagement, but still require adult guidance, supervision, and support.

By this age, children have begun to develop more social awareness, but their coping skills are underdeveloped. Preschoolers tend to be egocentric and feel that they are the "center of the universe." Preschoolers tend to be impulsive and very concrete in their thinking, and their play and interactions often involve efforts to develop and demonstrate agency. They are prone to fears and anxiety and may have nighttime fears. They may have difficulties with separations or transitions, but can generally calm down and settle in. Preschool children are alert to the moods and tension of their caregivers. However, because of their egocentric nature, they may blame themselves for the anger, unhappiness, or anxiety of their guardian, and they may feel that they are responsible for parental separation.

Schedules for preschoolers, aged 3 to 5 years:

Preschoolers can tolerate longer absences from a guardian, but a child's temperament and the pre-separation parenting arrangements should be considered. Transitional objects, such as a favourite toy, stuffed animal, or blanket, moving between the two homes can help a preschooler manage sadness and anxiety.

If a guardian was primarily responsible for a child and the other guardian's involvement was limited, a possible plan of "step-up" care to gradually increase the other guardian's time should be considered. For a few weeks, you may start with

two or three 4-hour blocks of parenting time per week, building up to longer blocks (likely on a weekend) that may include an overnight. As a child becomes more comfortable moving between the two homes, more overnights can be added.

If a child has trouble adapting to transitions, or a guardian has less time available for childcare or less experience with the care of the child, guardians may find that a plan that involves a child spending more time with a guardian provides greater stability for the child through this stage of development. This arrangement may involve a schedule of care with the other guardian(s) having some midweek contact and care every other weekend. The weekend could start with one Saturday overnight and may then be extended over time to include Friday night, Sunday night, or both.

If guardians were employed outside the home at the time of separation and were equally involved in the child’s care, it may be appropriate to have an arrangement with roughly shared parenting time, but not more than 3 nights away from either guardian at this age. At the early stages of separation, the guardians might consider splitting each weekend so that the child has one full stay-at-home day and overnight with each guardian as well as some weekday contact. While this may not be the best long-term plan, it may help the child at this stage of development. This type of arrangement may be a “2-2-3” schedule, with care transition starting in the morning (e.g. at 9 or 10 am) or at the end of daycare or school.

Preschooler Children, Ages 3-5 years: Equal Time 2-2-3 (Alternated weekends) Schedule

The 2-2-3 schedule is a two-week alternating schedule that allows guardians to equally share the weekends, on an alternating basis. With this schedule, the child is never away from a guardian for more than 3 nights in a row.

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
A	A	B	B	A	A	A
B	B	A	A	B	B	B

If the guardians have difficulty communicating in person, it may be preferable to have as many exchanges of care as possible done by having one guardian drop the child at daycare and the other pick up the child at the end of the day. This would require shifting the schedule so that it starts on Monday; apart from holidays, transitions take place through daycare.

Early School Age Children: 6 to 9 Years

Six to nine-year-old children engage with more people outside of the family and benefit from experiences that help develop a sense of competence, such as participation in school, sports, art, music, and peer relationships.

Children of this age can more easily understand and manage differences in parenting styles and blocks of time away from a guardian due to their now more developed understanding of time. Using a calendar to inform and remind children of the parenting schedule, along with other activities, is helpful for this age, as transitions can be anticipated and talked about ahead of time, easing the stress of transitions.

If guardians are in conflict, the child's sense of competence may be affected. It is important to protect a child from exposure to direct or indirect conflict between their guardians. In this regard, it can be helpful for transitions or parenting exchanges to take place at neutral places (such as school). Children this age often feel they need one guardian's "permission" to see another guardian. By this age children are developing an appreciation for the points of view of others; if they believe that a guardian is unsettled or anxious about them spending time away, the child may have feelings of guilt, fear, anxiety, or even anger.

While children in this age range are stressed by parental conflict, they are more flexible than older children and may be better able to transition between guardians who may still be hostile towards one another. Entrenched child resistance to contact with a guardian due to parental conflict or the influence of an aligned guardian may start at this age, but generally only starts with children who are a little older.

Schedules for children aged 6 to 9 years:

At this age, children generally should have very significant involvement with guardians. However, guardians should appreciate that as children grow older, they should be spending more time on school and community activities, which will mean less time with the family. Children in the higher end of this age range are likely to want to have some input in the parenting plan.

If guardians have had a substantially equal role in parenting and separation occurs when a child is in this stage of development, it will normally be appropriate for them to have roughly shared parenting time with their children of this age,

provided that this is logistically feasible for them. This will normally involve children spending 2 to 7 nights in a two-week cycle with each guardian.

For children in this age group, a shared parenting time schedule could have children spend from 2 to 7 nights in a row with a guardian, for example, a 2-2-3 or a 2-2-5-5, or a 3-4-4-3 arrangement. For some children and guardians, transitions can be challenging, and alternate weeks may be more beneficial for children in this age group. During their respective parenting time, each guardian should consider how their child(ren) may benefit from contact with the other guardian(s), recognizing that each child's needs may be different. It may be helpful to proactively avoid conflict by determining a schedule of connection and what the format and/or flexibility of that schedule should be. At this stage, if it is determined that a week on/week off schedule would be best, guardians should consider having a mid-week visit so that the children do not go seven days without seeing the other guardian(s). Additionally, often children at the end of this stage have a difficult time with the 2-2-3 because there are so many transitions. Each family needs to consider what is best for each of their children when formulating a parenting schedule that will meet the specific children's needs.

As more fully discussed below, children in this age range are often starting to be involved in extracurricular activities. If the guardians do not both have the willingness and ability to facilitate involvement in a particular activity, it may be advisable to have a parenting schedule that gives the guardian supporting that activity the care of the child on the same day that the activity is scheduled. It is important that the parenting schedule is focused on the child's needs and involvement in activities, rather than the guardians' willingness or ability to facilitate that participation. In other words, it is generally not desirable for a child to stop participating in an activity because it does not "fit" into the guardian's schedule, though it is also important to recognize that the resources and energy of Guardians may be stretched after separation. Guardians should avoid scheduling activities on the other guardian(s)' parenting time without mutual agreement, and guardians should take into consideration the child's interests and desire to participate in activities/events that interest them.

Early School Age Children, Ages 6-9 years: Equal Time 2-2-3 (Weekends Split) Schedule

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
A	B	B	A	A	A	B
B	A	A	B	B	B	A
A	B	B	A	A	A	B
B	A	A	B	B	B	A

If separation occurs when a child is in this age range and a guardian has had a more minor role in parenting, it is normally preferable for the other guardian(s) to provide most of the care initially after separation, but children will benefit from significant involvement with the other. When a guardian has had only a limited prior role, the plan might start with the child having one overnight each weekend, a dinner, and a few hours one night during the week. That schedule can expand after a transition period to alternate weekends with midweek parenting time. The mid-week parenting time, whether just a few hours or overnight, is a valuable way for the guardian to engage in the child's routine activities, especially in relation to school. This arrangement could evolve into a shared parenting time schedule.

Even if guardians have been equally involved in childcare before separation, some children in this age group will still benefit from having a "home base" with one guardian, with, for example, alternate weekends and a mid-week dinner with the other guardian(s). It is very helpful for children this age to have a consistent routine, whatever the parenting plan. Any mid-week parenting time should occur on the same night each week, if possible.

Early School Age Children, Ages 6-9 Years: Expanded Weekend & Midweek Schedule

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
B	B	Dinner or Overnight with A & all other times during the day with B	B	A	A	A
B	B	Dinner or Overnight with A & all other times during the day with B	B	B	B	B
B	B	Dinner or Overnight with A & all other times during the day with B	B	A	A	A
B	B	Dinner or Overnight with A & all other times during the day with B	B	B	B	B

If the guardians have difficulty in communicating, it is preferable to have as many exchanges of care as possible at daycare and/or school where the guardians do not need to interact. This plan requires that a child spend alternate weekends with each guardian so that weekends are not split.

Early School Age Child, Ages 6 to 9 Years: Equal Time, 2-2-5-5 (Alternate Weekends) Schedule

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
A	A	B	B	B	B	B
A	A	B	B	A	A	A
A	A	B	B	B	B	B
A	A	B	B	A	A	A

Early School Age Child, Ages 6 to 9 Years: Equal Time, 3-4-4-3 Schedule

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
A	A	A	B	B	B	B
A	A	A	A	B	B	B

Later School Age Children: 10 to 12 Years

Children in their pre-teen years are becoming more independent from their guardians as they prepare to make the leap into puberty and adolescence. They have a greater capacity to understand time and to appreciate future plans and schedules. They are focused on developing competence in activities, skills, and experiences which create confidence. Though rule-bound like the younger school-aged children, they are now contemplating moral issues and can consider the perspectives of other persons.

Parenting plans for a child this age must take into consideration the child's activities and friendships, which are increasingly important. Participation in sports, plays, religious and other regular activities should be maintained in both homes. Guardians should follow the child's interests and make reasonable decisions accordingly.

If there is a high level of conflict, and one of the guardians is not supporting the child(ren)'s relationship with the other guardian(s), this is an age where some children may strongly identify or align with one guardian. Guardians need to be particularly mindful of their own behaviour, as it may unintentionally impact the quality of the relationship between the child and the other guardian(s). It is not unusual for children of high-conflict guardians in this age range to align with one guardian and start to resist or refuse contact with the other guardian(s). It is important that the guardian whom the child favours ensures the child continues to follow the agreed-upon schedule unless there is an agreement or order for variation. In extreme cases, one guardian may engage in implicit and/or explicit attitudes and behaviours that undermine the guardian-child relationship. This can include denigrating another guardian, interfering with the child's relationship with the other guardian(s), and/or restricting the time the child spends with the other guardian(s). In such cases, intervention by competent mental health professionals and the courts may be needed.

Schedules for children aged 10 to 12 years:

Parenting plans for this age group should encourage children to develop social and intellectual skills, participate in extracurricular activities, and develop peer relationships. Balancing all of these activities requires flexibility and support from guardians.

Children in this age group can do well with a range of different plans, but they should generally have frequent contact with guardians. Where possible, this should include overnights or dinners during the school week and some weekends with each guardian. Guardians should allow children aged 10 to 12 years to express their views and feelings, recognizing that children this age want greater control. At the same time, guardians should also make clear that the guardians together will make the final decisions.

Children in this age group may also do well with alternate weeks with each Guardian or a 2-2-5-5 arrangement (schedule graphic displayed in Early School Age Child section). However, some children in this age range will prefer having a schedule with alternate weekends and one overnight during every week or two with the other guardian(s). Children who express a preference for this may do so because of practical concerns about school, extracurricular activities, peer relationships, or

living arrangements in a blended family and this preference should generally be respected. Such a preference should not be confused with resistance to contact or a disrupted relationship with the other guardian.

Late School Age Child, Ages 10-12 Years: 4-3 Schedule (Weeknights with A, Weekends with B)

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
B until the start of school then A onward	A	A	A	A until the start of school then B onward	B	B
B until the start of school then A onward	A	A	A	A until the start of school then B onward	B	B

A child in this age group may align with one guardian and start to resist seeing the other guardian. Resistance to contact is usually best understood as a “family systems problem”. This should be addressed by the child and guardians through discussion and perhaps therapeutic involvement for all family members, but if necessary, through the legal process. The support of a favoured guardian for a strong relationship with the other guardian is very important and is usually in the long-term interests of the child.

Early Adolescents: 13 to 15 Years

The task of the adolescent is to develop their own identity, separate from the family while maintaining a healthy connection to their family. For the younger adolescent, 13 to 15 years old, the family is still the main source of support and nurturance. While peers, school, and activities are very important and the focus of day-to-day life, guardians provide the guidance and support adolescents need to develop critical decision-making skills.

The task of guardians during these adolescent years is to increasingly give up control and help the adolescent anticipate risks and practice good decision-making skills. At the same time, guardians cannot give up monitoring their adolescents or negotiating and enforcing rules. Adolescents lack adult judgment and are prone to risk-taking.

Adolescents whose guardians have separated may be at a higher risk of engaging in such activities as drug use and sexual relations at a younger age than children of intact families. Separated guardians should communicate with each other about how they will discuss issues like birth control, sexual orientation, and gender identity with their children. Some guardians find these issues contentious. Open communication between separated guardians around these issues is important. Preferably children will receive consistent, age-appropriate, accurate messaging from guardians about their sexual health and risky behaviours. At the very least, each guardian should be aware of the other guardian(s)'s approach to these issues. For some families, it may be helpful to seek guidance from a mental health professional with experience with child development and family dynamics after separation and divorce so that the guardians can both help their children through adolescence. This is a period when some children may challenge the behavioural expectations of guardians, and teachers, or start to develop unhealthy patterns of behaviour.

Guardians of adolescents have a particularly challenging job in maintaining flexibility while setting clear, enforceable limits. It is especially important for separated guardians to avoid being manipulated by their children. Despite apparent resistance to parental rule setting, adolescents show better adjustment when guardians who have separated can cooperate and show a "united front."

Guardians must be mindful of the teen's social relationships and activities while balancing family time. As the adolescent gets older, their activities take more and more priority. Guardians must keep open lines of communication with their adolescent(s) and each other, maintain clear rules about safety and respect, and be able to communicate with each other so that risks to their teen are minimized.

Cooperative co-parents of teens model good problem-solving and relationships. When guardians are unable to effectively and respectfully communicate with each other as needed, vulnerable teens may be more susceptible to unsafe risk-taking or unhealthy behaviors and poor emotional adjustment.

Schedules for adolescents aged 13 to 15 years:

While a variety of time-sharing schedules will work for adolescents, guardians of early adolescents should consider the child’s schedule and activities, the distance between their homes, parental work schedules, and the child’s adjustment and preferences, while also recognizing the adolescent’s need for unstructured time. Alternating weeks, with or without mid-week parenting time with the other guardian(s), may work well for this age group.

Week on/Week off Schedule

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
B	B	B	B	B	B	B
A	A	A	A	A	A	A

Even more than with younger children, guardians should respect an adolescent’s stated preference for a “home base,” with alternating 3-day weekends and some mid-week time with the other guardian(s).

As children reach adolescence, their own social networks and outside activities are becoming important, and may be facilitated by having a “home base.” However, guardians who are not the child’s “home base” may increase their contact and involvement by providing transport and attending their children’s athletic, performance, and academic activities, and should not view the child’s assertion of independence and preference for spending more time in one home as a rejection.

It is also possible to consider a “flip” of the schedule during the school period of the year, and the off-school period of the year to allow for the guardian who had less parenting time during the school year to have more parenting time during the off-school period.

Alternating 3-day Weekend Schedule with school year flip

Guardian A	Guardian B
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Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
A	A	A	A	B	B	B
A	A	A	A	A	A	A

School time (commencing on the last week of August - completing the last week of June)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
B	B	B	B	A	A	A
B	B	B	B	B	B	B

Off-school time (commencing on the last week of June - completing the last week of August)

Late Adolescence: 16 to 18 Years

Guardians of 16-to-18-year-olds should be encouraging and supportive of their children's gradual separation from guardians and the development of an individual identity. As they move through this stage of development, most adolescents are spending less time with family and more time on school, extracurricular activities, part-time jobs, and peer relationships. Many adolescents in this age group are dating; they may need to develop a healthy and safe understanding of sexual and other feelings in the context of dating relationships. Many older adolescents become focused on post-high-school plans including education and careers, and many are becoming politically aware and engaged.

While older adolescents often emphasize their need for independence and often have intense but changeable feelings, there is value in consistency, support, and meaningful time with guardians. As teens reach the age of 16 years, they need to have more input into the parenting plan, and guardians need to be flexible to accommodate the teenager's activities (including school, extracurricular, and employment) as well as their social life.

Guardians should remain flexible while maintaining age-appropriate expectations regarding curfews, driving, dating, and overnights away from both homes. It is especially important for guardians who are not living together to communicate with

each other, avoid being manipulated, and try to be consistent or at least aware of any differences in their behavioural expectations.

Guardians should be aware that older children need to be consulted, informed, and involved when they are making parenting plans. The older the child, the more weight should be given to their views and opinions. Giving older children an opportunity to be part of the decision-making process is important to their self-esteem and development. Many teenagers want to assert their independence, and they may “demand” changes in a parenting schedule, or other parental rules. Guardians need to respond to such “demands” with both realism and respect for their child’s development. In the context of separation, children wanting to spend more time in one place does not mean that they are rejecting either guardian.

There are many different parenting arrangements that can work with this age group. Some older adolescents need and request that they maintain a base in one home with an alternating weekend schedule with the other guardian(s). Others want to divide their time with each guardian alternating weeks or even two-week periods, to limit transitions and disruptions. In the latter plan, if a Guardian does not see their teenager at events or activities, they may schedule a weekly dinner or other type of contact during their non-residential time. It is critical that the guardians and adolescents are clear where and under whose supervision and authority the teen is at all times. Summer schedules need to be developed after the adolescent’s summer plans for employment, camp, and activities are established.

Long Weekends, Vacations, and Special Days

The “regular” parenting schedule will typically apply during the school year, and may or may not continue during the summer. Most guardians will want a holiday and vacation schedule to take precedence over the regular schedule for at least part of the summer break from school, as well as making some provision for some celebratory days and school breaks.

Long weekends and Professional Development (PD) days

Many guardians, especially those with some form of alternating weekend schedule, choose to adjust the regular schedule for statutory holidays and PD days by adding 24 hours to a guardian who has time with the children on the

weekend immediately before or after the holiday, while some guardians treat long weekends the same as other weekends.

Some guardians choose to alternate some of the long weekends and special days on an “even or odd” year arrangement, or they may decide to equalize the statutory holidays over the course of one year. However, this needs to be done with some care, or it will create a situation where a guardian has three weekends in a row unless an adjustment is made. If there is a variation of the regular schedule for specified long weekends, it may be preferable to adjust the regular schedule to accommodate the long weekend so that each guardian has two weekends in a row over a four-week period, which allows for a smooth transition back to a regular alternate weekend schedule.

School holiday periods

There are a variety of options that guardians may wish to consider for one or two-week school breaks (e.g. Winter break, Easter, or Spring breaks). Some guardians prefer for a guardian to have the child(ren) the whole of the break on an “even or odd” year arrangement, as this allows them to travel with the children every other year. Other guardians prefer to split the break by exchanging the children at the halfway point. For example, the exchange could occur on Wednesday in the middle of a week-long school break so that each guardian can have 5 days with the children including a weekend.

Dividing the Winter school break can be a challenge for those families who celebrate Christmas. For some families, doing things like splitting Christmas Day works well, but for some guardians or children, a transition on a day like that is difficult, and an annual rotation may be preferable. Typically, the balance of the Winter school break (which is approximately two weeks) is shared equally, with an exchange in the middle of the break. Another option is to divide the Winter break into the first week and the second week, without a special provision for Christmas or the New Year, perhaps on an alternating year basis, so that each guardian has the child(ren) every second Christmas or New Year period.

If before parental separation a child has looked forward to a holiday tradition, like spending Rosh Hashanah or Eid al-Fitr at one relative’s home it may be helpful for the child to continue that tradition, especially in the immediate aftermath of separation. It is often important for children to respect existing traditions and/or families who celebrate special holidays with family in another location/city. Guardians should also be considerate of new holiday

traditions that may develop for the child post-separation. In addition, circumstances such as blended families and/or the addition of new siblings may be relevant for holiday planning.

Summer

Each guardian will typically want some uninterrupted time with the children in the summer. For example, each guardian may have one week in July and one week in August (or two uninterrupted weeks during the summer), with the balance of the summer following their regular schedule. Other guardians choose to follow a one-week on, one-week off schedule during the summer, or even a one-month rotation schedule. The summer schedule will depend on the age and stage of development of the children, and whether the children are attending residential summer camp. The summer schedule may also be impacted by a guardian's travel plans, particularly if they intend to visit relatives who live far away. However, an extended period of time away from either guardian, especially if one is the primary caregiver, may not be appropriate if children are very young.

Religious holidays and other special days

To reduce tension, it is important to make fair, child-focused holiday plans in advance. This is particularly important when having to coordinate holiday plans with extended family.

Meaningful days that celebrate the relationship the child(ren) have with their family members, and guardians such as Mother's Day, Father's Day, and perhaps each guardian's birthday should be thoughtfully considered and a plan should be made to allow the child(ren) to celebrate where it is possible.

There is sometimes tension between guardians about plans for holidays or events like Halloween or the child's birthday. Guardians may place the same or different values on religious and other holidays, which can lead to conflict. To the extent possible, each guardian should have the opportunity to spend time with the children on the days that the guardian considers important. However, some guardians and their relatives may place greater significance on spending these "special days" with their children than the children do. While each guardian may want to be with the child on a day like a child's birthday, and there may be a plan to divide the child's time that day, many children actually prefer to have two "special days," and are quite content to have "two birthdays" and even "two Christmases" each year.

Children are more likely to remember, and be distressed by, parental arguments around holidays, than to have strong positive memories of festive family dinners or being able to look back on photos of those happy moments where they were included.

Events when children receive gifts or are the center of attention, like a birthday, may be more anticipated than remembered, unless there are negative memories of witnessing family arguments or co-parenting conflict.

Persons Picking Up and Dropping Off the Children

Sometimes one guardian may not be able to pick up or drop off the children in person and may arrange for someone else to do this. In most cases, this should not cause problems. However, one guardian may have concerns about who picks up or drops off the children, whether due to safety issues or because of personal discomfort, such as the person being a new partner.

If this is a concern, it should be discussed by the guardians, and if necessary, addressed in the parenting plan. If there are legitimate safety concerns (for example if one guardian wants an aunt or uncle to pick up the child, but their driver's license was suspended), a person may need to be precluded from being involved in the transport of the children. However, as uncomfortable as it may be at first, guardians have to adjust to new situations, including becoming acquainted and civil with individuals who may play a significant role in their children's lives, like a new partner of the other guardians.

Flexibility in Response to Unexpected Events and "Missed" Time

No matter how detailed their plans are, guardians will always need to be prepared to be flexible. There will inevitably be unexpected personal and family emergencies, such as the death of a relative, that will require flexibility and support. A good way to respond to situations when you are asked to accommodate an unexpected event or emergency faced by the other guardians is to think about how you would want them to respond if you were faced with a similar situation or emergency.

Guardians will also need to have flexibility to meet the needs of their children, for example, due to medical events or unexpected school closings. There may also need to be rescheduling if there is an out-of-town event related to sports or cultural activities, with participation in the activity being supported and arranged by one guardian, but

occurring during the scheduled time of the other guardians. Children appreciate guardians who have the flexibility to meet their needs.

There may be an expectation that if one guardian seeks a variation of the schedule, even for an unexpected event like a family funeral, the other guardians may have an equal amount of “make-up” time for the missed time. “Make-up” time is most likely to be a concern for a guardian who has only limited time with a child. Most guardians can resolve this type of situation on an informal basis as situations arise, and, if appropriate, arrangements can be made for the makeup time at the same time as the variation is being sought. But other guardians may want to specifically address the issue of “missed time” in their parenting plan, including considering how it is to be arranged. For example, is a missed weekend to result in the next weekend being make-up time, or should the guardian giving up time have the choice of when the make-up time occurs?

Telephone, Video Calls, and Other Contact (“Virtual Parenting Time”)

When it comes to communication with the off-duty guardian(s) during the other’s parenting time, the guardians should mutually agree on:

- The type of communication that will be used (i.e. phone call, video call, texting)
- The frequency of communication between the child(ren) and the off-duty guardian(s)
- The timing of the communication between the child(ren) and the off-duty guardian(s)
 - Whether there is flexibility of communication timing or a set schedule
 - Days/Times that communication would occur in a set schedule
- Who will initiate and end calls between the child(ren), and the off-duty guardian(s)
- Ground rules to avoid exposing the child(ren) to conflict while on the call
- Ground rules to ensure when the child(ren) call/connect the off-duty guardian(s) will be available

In some cases, guardians may choose or the Court may Order the guardians to record phone and/or video calls in a co-parenting app like Talking Parents or Our Family Wizard, though it is normally important to respect the privacy of the child(ren) and parents.

There are many factors for guardians to consider, and decisions about virtual connection with the off-duty guardian should include the child’s age and stage of development. It is important to appreciate that most children, especially

younger children, become bored or restless with conversations that are too long. Young children may have difficulty remaining engaged during long conversations, whether in person, on the phone, or on the Internet. Successful virtual parenting time with younger children is often relatively short, perhaps 5 to 10 minutes, that might be extended if the child continues to be engaged in the call, or can be longer if it involves playing a video game or other remote activity with the child. Having an agreement in place helps avoid misunderstandings that may arise about one guardian "interfering" with the time of the other guardians).

A concise agreement between guardians will help to ensure that virtual parenting time is not left to the child(ren) to initiate on their own. Younger children are unlikely to have the time management skills and technical skills to arrange this type of contact, and they may feel guilt or sadness in the aftermath of having "forgotten" to call or initiating the call altogether. It is important to consider both the privacy needed for the child(ren), as well as the guardians when considering virtual contact with younger children. Adolescents are more likely to enjoy greater independence in reaching out to each guardian as it suits their schedule and needs.

Some children, especially younger ones, who are doing well spending time with a guardian may become upset just by hearing the other guardians' voice on the phone or seeing them on a video call. Other children may want to be comforted by having regular communication with an off-duty guardian. Sometimes, guardians will only appreciate the importance of this for a child after a parenting plan has been put in place for some time, and a child has had time to acclimate to the new schedule. The amount of contact the child feels they need may also change based on age as well as external factors (e.g., stressful time at school, upcoming holiday). Therefore, it is a good idea for guardians to allow for a level of flexibility and focus on their child(ren)'s changing needs with this aspect of a parenting plan while also being respectful of one another's schedules. If a child is not seeing an off-duty guardian regularly or goes elongated time periods without seeing them, the guardians should consider a consistent call/connection schedule for the child(ren), and then add layers of additional contact where appropriate. This may be considered virtual parenting time.

Social Media

For some guardians, the use of social media by the child, or the use of pictures or other material about the child on parental social media, are contentious issues that should be addressed in a parenting plan, though other guardians deal with this on a flexible, evolving basis.

Guardians may wish to have a provision in their parenting plan limiting the posting of pictures of their children or the other guardian(s) on Facebook or other social media, or providing that this shall only be done in a respectful way. Even without specific provisions in a parenting plan, a guardian should be using their social media in a way that is respectful of their children and the other guardian's privacy. This is desirable to promote cooperation, reduce parental conflict, and promote the best interests of their child(ren). Inappropriate use of social media as a platform to attack or criticize the other guardian(s) may be used against the guardian who posted such comments if the case should ever come before a judge.

As children get older, they are likely to start to use social media to communicate with family, friends, acquaintances, and the wider world. It is preferable for guardians to discuss and have shared rules about their children's use of social media, but if that is not possible, it is at least important for each to be aware of the approach of the other guardian(s) when their child is in the care of that person. It is also important to involve children in discussions about social media issues. The reality is that guardians of adolescents often find that education and discussion with their children are the only effective ways to influence their children's use of social media.

If the use of social media is addressed in a parenting plan, guardians should consider whether this is to be based on an "honour system" (with violations coming to the attention of the other guardian(s) to be addressed in some way), or whether there is an expectation of some type of monitoring.

A Right of "First Refusal" (or Assuring Priority of Parental Care)

Some guardians agree that if the guardian with scheduled time with the children is unable to personally be with the children, the other guardian(s) should have the first option to provide care for the children, so they should be contacted before other childcare arrangements are made. The idea that there should be a "priority" for care by a guardian may be an especially significant concern if one guardian only has limited time with the child(ren), or there will be absences for extended periods of time.

Many guardians, however, find this type of arrangement to be intrusive and can cause conflict, and therefore prefer to let the guardian with scheduled time have the responsibility and right to make childcare decisions on "their time". This type of clause is more likely to be appropriate if one or both of the guardians are likely to often have absences that will prevent them from caring for the children themselves, for example, due to frequent overnight business trips.

Time with Other Significant Adults

Children may have significant long-term relationships with adults other than their guardians, such as grandparents or other extended family members. Normally, each guardian has the right and responsibility to decide who else to involve with the children “on their time.”

In some cases, guardians may decide to include a provision in their parenting plan that specifically provides for the contact between the children and another person. For example, this may apply when a person has been very involved in the care of the children, and it is important for the children to maintain that relationship by setting up regular contact.

When thinking about this type of provision, it's important to keep in mind the child's overall schedule as well as their involvement in other activities.

Time with Siblings

As discussed above, for both psychological and practical reasons, it is usually preferable to have a parenting time schedule that keeps siblings together. However, in some cases, there may be different parenting time schedules for different children or occasional variations for one child, especially as children get older and can travel without their guardians.

If Guardians have new partners who have children, the guardians should also consider whether schedules should be aligned to ensure time with step-siblings. Likewise, schedules should consider supporting the relationship of half-siblings should a guardian and new partner have children. It is also important to recognize that each child may benefit from one-on-one time with each guardian.

Attendance at child-related events

It is important for guardians to decide whether they will attend parent-teacher meetings and extra-curricular activities like sporting events together. If guardians can maintain a civil attitude towards each other, it is preferable for them to attend parent-teacher meetings and significant events, like school graduations at the same time where possible. If guardians have difficulty remaining amicable at appointments/events, consideration should be given to attending separately or defining ground rules about communication and/or vicinity to one another while attending.

If the child is in the care of one guardian, for example at a sporting event, it is appropriate for the child to greet and interact briefly with the other guardian(s) if that guardian attends. This should be supported by the guardian with the care of the child(ren) at that time.

Guardians with new partners should be sensitive about bringing them to events with the children where a former partner is also in attendance. This should generally not be done until the new relationship is stable, and the former partner should be informed in advance rather than surprised. Guardians should encourage their new partners to positively support the relationships that the child(ren) has with the other guardian, and amicably interact with the other guardian(s) where appropriate.

It is preferable for children if their guardians can be civil and attend some events together. However, it is important to be realistic, and if there may be unpleasantness or a confrontation, then it may be necessary for the guardians to take turns attending. If there is potential for conflict on this issue, it is important to be clear about how this will be approached. Will the guardians take turns attending events? Will each guardian be entitled to attend specific types of events (i.e. hockey games vs. school performances)? How will information about the events be shared in advance?

Children's personal items

Children often have items such as favourite clothing, comfort toys, or communication devices that they like or may need to have with them, regardless of which guardian's house they are spending time at. Mobile phones and other communications devices can be a controversial issue if there are allegations of tracking or recording without consent, or if one guardian is paying monthly charges. If these items are considered to belong to a child, the child should be permitted to take that item along, regardless of which guardian bought them or is paying charges. It is not appropriate to track the child(ren) during the other guardian(s)' parenting time unless mutually agreed or this has been ordered by the Court. It is also not appropriate to use a phone to listen in on or spy on the other guardian(s)' parenting time. Guardians need to respect the child's connection to possessions that they may regard as their own.

If there is potential for conflict on this issue, it is important for both guardians and the children to be clear about the identification and expectations for these items.

This parental sharing of property could even extend to pets who might move residences with the children (for example a service dog). However, it is important to be realistic about pet care and consider the welfare of the animal as well as a child's connection to the pet.

DECISION-MAKING RESPONSIBILITIES

Many decisions have to be made about children. Some are major decisions, perhaps affecting the child(ren)'s life for years (deciding what high school a child will attend) or that may permanently affect the child(ren)'s future (medical treatment). There are also a host of smaller day-to-day decisions that need to be made.

“Significant” Decisions

Typically, the “significant” decisions may include:

- choice of schools and educational needs, such as psychological or psychoeducational testing, remediation, enrichment, tutoring, or special class placement;
- medical treatment, including any dental care, special dietary needs, long term medications, and other health care needs such as therapy/counselling or vaccinations;
- participation in extracurricular activities, particularly if there is an expectation that guardians will be responsible for supporting the child(ren)'s engagement;
- decisions about faith, religious observances, spirituality, and cultural or ethnic heritage, and the languages that they will learn.

Guardians may agree to make these major decisions jointly have them made by one guardian after consulting the other, or divide different areas of decision-making between them. If there is an agreement that decisions are to be made jointly, there needs to be some mechanism, such as mediation, for resolving disputes if they are unable to agree. Provisions in a parenting plan that may be used to resolve disagreements, such as mediation, are discussed below.

In addition to a dispute-resolution mechanism, the guardians also need to determine if and how the decision-maker gets input from the other guardian and keeps the other guardian(s) informed of decisions.

Although it is preferable for children if guardians consult with each other and make major decisions jointly, it is important for guardians to be realistic about whether they are to work together to make joint decisions. Sometimes making joint decisions is not possible when guardians have separated. An alternative is a provision that the guardians are expected to consult about major decisions, but with one guardian having the final say. It is possible to

have a division of responsibilities so that the guardians are required to consult for all major decisions, but one guardian will have the final responsibility for decisions in some domains, such as health care and religion, while the other guardian will make the final decision about other matters, such as education and extracurricular activities.

Or, for example, guardians may agree that each will select and pay for one extracurricular activity for a child and that both guardians will cooperate with the other's choice and take the child to the activities scheduled when they have care of the child.

It is also possible for a parenting plan to specify that one guardian alone will make some or all major decisions.

In considering how major decisions about aspects of the child's life will be made, it is important to appreciate that once a decision about a particular matter is made, guardians will need to cooperate to effectively implement the decision. This is especially true with decisions about education, as it is likely under any parenting schedule that guardians will have some role in taking the child to or from school, assisting with homework, and meeting with teachers. Medical decisions often require guardians to ensure that medication or other aspects of a treatment plan are followed. Extracurricular activities will typically involve some support and transportation by Guardians, particularly when the activity occurs during the parenting time of guardians. The implications of implementing decisions should be considered when a plan is made about the decision-making process.

As children mature, they typically become more involved in the decision-making process. For example, older children often expect to be involved in the choice of school and activities, and their consent may be required for medical treatment.

"Day-to-Day" Decisions

While major, foreseeable decisions should be discussed in advance, in contrast, day-to-day and emergency decisions are usually made by the guardian who is with the child at any given time.

The guardian with the care of a child will also normally be permitted to make day-to-day decisions that concern their time with the child regarding issues such as doing homework, bedtime routines, meals, and chores. Even for these decisions and routines, guardians should consult and communicate with each other. While it must be recognized

that each guardian has the right to set their own “house rules”, it is helpful for children to have consistency and stability. As well, for some issues, the health of a child may require certain standards of care.

While each guardian is responsible for the care and day-to-day decisions in their own home, it is especially important for guardians to appreciate that the healthy development of infants and pre-school age children requires consistency in routines for bedtime, sleeping, and diet.

Emergencies

It is important to define in a parenting plan what the guardians will consider an emergency, given the word can be subjective to many circumstances. It is also important to define what will occur in the case of an emergency, and each guardian’s responsibilities. The mode of communication for emergencies should be agreed upon in advance and be explicit in the parenting plan.

In a medical emergency, the guardian with care should do everything in their power to involve appropriate medical professionals to support the child’s health and safety. The on-duty guardian should try to immediately contact the other guardian(s) about the situation and involve them in decision-making. At a minimum, unless special circumstances or considerations exist, guardians should know about medical emergencies as soon as possible. During a medical emergency, typically telephone calls are preferable to text message communication and/or emails. If there are family violence concerns, there are co-parenting apps that do not require guardians to share their phone numbers, and if necessary the calls can be recorded/transcribed in the app.

COMMUNICATING, PLANNING, AND IMPLEMENTING

Good communication between guardians is essential for a positive co-parenting relationship.

It's important to have ground rules about what information guardians are required to share with each other about the child(ren) and protocols for how this will be done (e.g., a web-based communication platform, frequency, reply time, etc.). It's also a good idea to decide how Guardians will discuss the child-related issues that will come up from time to time.

Many guardians are choosing to use commercially available apps for co-parenting. Some advantages are they are generally "tamper-proof"; guardians can see when the other guardian(s) has viewed their message; they can share calendar events; they can use the app to send receipts to the other guardian(s). Some disadvantages are the cost (although some are free or available at no charge depending on income), and it may take some time to become familiar with their use.

Implementing Plans

Parenting Plans do not typically address child support arrangements, and legal advice regarding child support is beyond the scope of this AFCC-BC Parenting Plan Guide. Guardians are, however, encouraged to inform themselves or seek advice regarding child support and the sharing of expenses for children to assist them in the implementation of their AFCC-BC Parenting Plan Guide. Specifically, in addition to understanding and addressing what child support obligations each guardian may have to the other, guardians may wish to address issues such as which guardian will buy the children's clothing, sports equipment, and toys, or whether guardians will be involved, or divide these responsibilities in some way.

Many guardians address these spending issues on an ongoing and informal basis while others choose to implement a more formal arrangement, often as part of a comprehensive Separation Agreement or through Child Support orders. The latter arrangement provides certainty for guardians and may be particularly important if there is likely to be conflict over financial issues or the paying of expenses for the children

Information Sharing

Under both the Federal *Divorce Act* and British Columbia's *Family Law Act*, guardians are presumptively entitled to obtain information about their children's health, education, and well-being directly from any person or agency likely to have such information, like doctors and schools, even if these guardians are not entitled to participate in or make major decisions about their children. Despite these presumptive legal rights, guardians may want to include provisions in their parenting plan that recognize these rights (or that limit them), as this can help ensure that schools and third-party professionals are clear about whom they can provide with information. It may also be useful to add provisions reflecting the commitment of guardians to sign any consent forms for information release that professionals may require.

Guardians should also be aware that older children may have the legal right to seek confidential treatment or counselling without either guardian being informed. As a result, guardians may wish to include provisions in their parenting plan that specify that a guardian's right to access information is subject to their child's right to confidentiality.

Extracurricular Activities

It is valuable for children to participate in extracurricular activities, to the extent that this is consistent with the children's interests and abilities, and the resources of the guardians. It is preferable that the child(ren) be consulted about their interest in extracurricular activities, and to what extent they want to participate (competitively vs. recreationally). If possible, guardians should develop a joint plan for deciding which extracurricular activities the children will undertake.

One guardian should only plan extracurricular activities that will occur during the other guardian's scheduled time with the child(ren) with the advance agreement of the other guardian. If nothing is agreed upon, the guardian with parenting time when the activity is scheduled has the right to decide whether the child attends that activity. Planning activities that will take place during the other guardian's time without that guardian's consent may be unfair to both the other guardian and the child(ren). With this in mind, it is also important to consider that especially as children get older, following the child's lead and interests and ensuring consistent attendance at their extracurricular(s) is an important way of supporting children.

Religion, Spirituality, Culture, Language, and Ethnicity

The Federal *Divorce Act* and British Columbia's *Family Law Act* recognize that for many guardians their religion, spirituality, culture, language, and ethnicity are very important, and it will promote their children's best interests if they can share their faith and heritage with their children, though for other guardians, these may be less significant matters.

If the guardians have different faiths, and cultural or ethnic identities, addressing these issues will be especially important, but can be challenging.

If these issues are important to guardians and likely to be contentious, the parenting plan should address them. Children and guardians may have to adjust to the fact that a child has a dual heritage and will be exposed to both heritages. For some matters, like religion, there will need to be an expectation that at some point the children will have sufficient maturity to make their own decisions.

Indigenous Heritage

If one or more guardians have Indigenous heritage, band status, language, traditions, or culture, there may be specific issues to be addressed in a parenting plan. These issues might relate to involvement and attendance at community events that may occur without a fixed calendar schedule.

If the guardians have a different band or First Nation membership, they may want to address the child's registration in their parenting plan.

If guardians share a cultural or community heritage, they may want to provide for a respected community member or elder to be involved in dispute resolution.

Documents

It is important to decide who will obtain and have primary responsibility for the care of important documents for children, like health cards and immunization records, SIN cards, birth certificates, and passports.

Normally guardians should have copies of all of the important documents that can be duplicated.

Vacations and Travel

When one guardian plans to travel with the children, especially on a long or faraway trip, it's important to give the other guardian notice so they know:

- which method of transportation they will be using, including specific details such as flight number and other similar details;
- where the children are going and staying, including specific addresses;
- how to contact the children while they are away; and
- when the children are returning.

Passports

The Government of Canada strongly recommends that children traveling across international borders carry a consent letter proving they have permission to travel from every person with the legal right to make major decisions on their behalf if that person is not with them on the trip.

Guardians may decide to include a provision in their parenting plan that deals with consent letters and may also want to use [federal government-recommended consent letters for children traveling abroad](#). When guardians are separated or divorced, Canadian Passport officials have rules about whose signatures are needed on passport applications and renewals. These officials are expected to ensure that a guardian who applies has the legal right to apply and that there are no restrictions on travel.

There is a requirement that generally each guardian needs to sign the passport application for the child. However, a Separation Agreement or Court Order may specify that one guardian alone can obtain a passport without the other's consent; the child must live with that person the majority of the time. Guardians should consult Passport Canada about their requirements, as this office is generally quite strict about wanting clear documentation to allow one guardian to obtain a passport.

Restrictions on Travel

Sometimes, a guardian may be concerned about letting children leave the province or country. This may happen, for example, where one guardian is worried the other may try to take the children to live in another country. If a guardian

is concerned that the other may try to take the children to another country without their consent, it's very important to consult with a lawyer to make sure the parenting plan has the appropriate terms and clauses for travel.

Restricting a child's travel can affect passport applications. If a parenting plan says that the children cannot be removed from Canada, passport officials may decide that they will not issue a passport for the child.

REVIEW AND MODIFICATION OF PLANS

Monitoring and Changing the Parenting Plan

A parenting plan should be developed with the expectation that it will need to be modified as each child's needs and life circumstances change. There may also need to be modifications due to changes in each guardian's life circumstances such as health, employment, or relocation. In developing the initial plan, it is useful to establish a process for making changes to the schedule or other parts of the parenting plan.

If a guardian is thinking about making significant changes, especially related to the child(ren)'s living arrangements or child support, it is advisable to discuss the issues and draft an amended parenting plan with a lawyer before it is signed to ensure legal rights, consequences, and responsibilities are understood. A significant change in parenting time may affect child support obligations. Legal advice is particularly important if the change in the parenting plan is significant the terms of your parenting plan are part of a formal Separation Agreement or have been included in a Court Order, and there is an expectation that the revised parenting plan will be legally enforceable.

It may be advisable to have a dispute resolution provision related to the possible modification, such as resort to mediation if the guardians cannot agree about modification.

Regular Guardian Meetings

Children need different things from their guardians at different ages and stages of development, and their schedules will change as they grow. This is especially true as children become more involved in activities. The younger the child is at the time of parental separation, the more their needs will change over time, which will require modifications to a parenting plan.

Parenting plans may have provisions for regular meetings between the guardians to discuss parenting issues and the well-being of their children and consider plans for the future.

"Review" Clause

It is common to include a provision for review meetings in a parenting plan. This sets a time for the guardians to meet to discuss the parenting plan and how it is working. Before the meeting, the guardians should consider how

the parenting plan is meeting each child's needs. It may be helpful to include a professional in this process to obtain the child's views, particularly if there is a dispute about the child(ren)'s views or adjustment.

A provision for a first review meeting should be after a sufficient period for the guardians and children to try out the parenting arrangement. For example, there might be an initial meeting after three months, and then possibly meetings every 6 months. Natural breaks in the year are often good times to start or end a new arrangement. For example, the end of the school year, the end of the summer, or major school breaks are good times to make changes.

Guardians should be aware that if they cannot agree to a revised plan and end up in court, the judge may be reluctant to order a change to a parenting arrangement that appears to be working to the child(ren)'s benefit. The courts are concerned about stability for children and will only change parenting arrangements if there is a good reason and it's in the best interests of the child.

Anticipated Changes

Sometimes, guardians and children experience changes in their lives that were not expected when the guardians made the parenting plan, and that may require discussion between regular meetings. For example, one guardian may have a new work schedule or job that requires a change to the parenting plan. It's often a good idea to have provision for discussion of unexpected changes as well as regular meetings.

Local Moves

If one guardian moves within a local area, it's important to give prior notice to the other guardian(s), because it can affect the parenting arrangement and other arrangements such as school and extracurricular activities. The *Divorce Act* generally requires each guardian to give the other guardian [written notice](#) of a local change in residence, providing the new address and contact information, and the date of the move, and the federal government has a [form that can be used for this purpose](#). Although the *Family Law Act* doesn't require providing written notice it is generally recommended to provide some type of notice for cases governed by this legislation. In cases where family violence is present, this may not be appropriate, and the legislation recognizes this.

Relocation

Moves of even relatively short distances can have a significant impact on children and their relationship with their guardians, especially if children are going back and forth between homes on their own or the guardians rely on public transit for moving the child. It is important to think about how to deal with this issue in a parenting plan, even if a guardian anticipates relocating.

Courts scrutinize contested relocations closely. Proposed moves are more likely to be denied where the remaining party has had significant involvement in the care of the child(ren) and there is no reasonable and viable plan to ensure that the child(ren)'s important relationships (not just with guardians) are maintained. In most cases, courts take a negative view of guardians who relocate without notice or over the objections of the other guardian. The court may order the person to move back well before the trial, and such unilateral action is a factor that weighs against judicial approval of a proposed relocation.

The *Divorce Act* defines “relocation” as a move with a child that will have a “significant impact on the child's relationship” with the other parent. A person who plans to relocate with the child is required to give 60 days [written notice](#) to the other guardian(s) of the intended move. This may give the guardians time to discuss issues related to the proposed relocation. Unless the other guardian files an objection with the court within 30 days of receiving the notice, that relocation may move forward. If the other guardian objects to the relocation with the child, the guardian who wishes to relocate with the child(ren) is expected to obtain a Court Order before moving with the child(ren).

If a guardian plans to relocate, the co-parents should discuss how that will affect parenting schedules, communications, arrangements, and cost-sharing to allow a child to maintain a strong connection with those individuals with whom the child has significant relationships. It is generally desirable for guardians to resolve these issues by discussion between themselves, discussion with the support of a third party/professional, through mediation, arbitration or another family dispute resolution process, but they can go to court if they cannot be resolved. A significant factor in a court hearing will be whether the guardian seeking to relocate with the child has been supportive of the relationship with the other guardian(s) and the child's other significant relationships, and has a good plan for maintaining the strength of those relationships.

Family Dispute Resolution

Preferably guardians can agree to a child-focused modification, but sometimes they may not be able to agree. It is valuable to include a provision in a parenting plan that specifies how to resolve disagreements when guardians have difficulty agreeing.

While it is always possible to take a dispute to the Court, this is a slow, costly, and adversarial method of resolving disputes. Parenting plans often include a provision for an out-of-court process to resolve disputes, such as mediation. The agreement may include provisions for the payment of the dispute resolution processes.

SPECIAL CONSIDERATIONS IN MAKING A PARENTING PLAN

Each situation is unique but there are some special considerations when making parenting plans and schedules in specific contexts.

Guardians/Parents Who Never Lived Together

Generally the birth mother has the right to care for the child from birth and make immediate medical decisions. At the same time, the child's other parent also has rights. When a child is born and the parents are not living together in a relationship, it may be necessary for legal parentage to be established if there is any question in this regard. This process may involve DNA testing. Once parentage is established, it may also be necessary to establish guardianship.

Children should be given the opportunity to develop strong relationships with significant family members, such as their parents. Guardians should normally support the development of those relationships. As discussed in the section on infants, there should be short, frequent visits as a relationship is established and other guardian(s) gain experience with the child.

In some cases, a guardian will not have been involved and/or may not have had little or no contact with a child until later in life. In such cases, there should be a gradual increase in the time between the absent guardian as that guardian acquires the necessary parenting skills to care for the child. It is important that the guardians maintain flexibility considering the child's age, development, and the needs of the child when creating a parenting plan. Each family's unique circumstance may require additional consideration. The child's emotional needs in adjusting to having a new parent involved in their life should be paramount in determining an appropriate plan. The support of a knowledgeable professional should be considered in this circumstance.

In some places, there are parenting classes and/or professionals that can assist a guardian without experience in childcare by teaching the skills and knowledge needed to become an involved guardian.

Long-Distance Parenting

Children benefit when guardians reside within a reasonable distance of one another in order to ensure regular contact between the child(ren) and their guardians. Long-distance parenting is challenging and requires guardians to consistently engage, communicate, be creative, and flexible to lessen the impact of the distance on the parent-child relationship.

When guardians live a significant distance apart, children are likely to have a primary residence (especially if they are of school age), but they should also generally have substantial time in the care of the other guardian(s).

The nature of the parenting schedule in these situations will depend on many factors, including the age of the child(ren), the child(ren)'s temperament, the unique needs of the child(ren), the financial resources of the guardians, and the distance between the child(ren)'s homes. To the extent possible, parenting time at the other guardian's home should be at times that don't significantly interfere with a child's school and important activities. Despite the distance between homes, and to the extent it is financially feasible, visits and parenting time should occur in both communities so the guardian who does not have the child's primary residence can be involved with the child's extracurricular activities and school life.

Opportunities for connection between a child and guardian online (via video platform) could help the guardian without primary residence have regular meaningful contact with the child, assist in establishing routines, and enable relationship-building activities such as reading stories, singing songs, and playing games. For older children, internet-based communication may allow a distant guardian to assist with homework and discuss daily activities with the child. When one guardian lives at a distance, it is important for the primary residential guardian to not only facilitate this type of contact with the other guardian(s) but also to send regular updates about the child's school performance, activities, and development. This may help the non-residential guardian engage on a personal level with the child. When these types of contacts occur, it would be beneficial for the child to have adequate privacy to meaningfully engage with the other guardian(s) (unless supervision is required).

Guardians in the Armed Forces

There may be special issues in developing a parenting plan if one or guardians are members of the armed forces and are subject to transfer within the country and/or deployment out of Canada. To the greatest extent possible, the child(ren) should be encouraged to engage with the military guardian via the Internet or another method of

communication. The parenting plan should generally provide for extended parenting time when the guardian who has been absent becomes available for the child(ren).

It is also important to be sensitive to the needs and feelings of children who may feel uncomfortable with a guardian whom they do not know well. As in other situations, it may be necessary to have a “step-up parenting” schedule until the children become comfortable with the guardian who has been absent or is newly introduced to the child(ren).

Children with Special Needs

Guardians should understand the health, mental health, learning disabilities, or other special needs of the child and agree upon the appropriate interventions including doctors, therapists, treatment providers, and/or special education services. In these cases, it is imperative the child is not the messenger regarding their treatment plan and/or diagnosis. The guardians must agree to a plan to manage the treatment; while the treatment provider can provide advice to guardians, it is not appropriate to expect this person to mediate parental disagreements.

Guardians must communicate sufficiently about the sharing of medication and other equipment required to assist in the child’s care. When children have special needs it’s important for all guardians to be aware of the details shared in doctor appointments and school meetings regarding care and treatment. If guardians cannot communicate sufficiently between themselves, there will need to be consideration of additional communication provisions in the Parenting Plan to ensure the child’s safety and well-being.

Parenting time must accommodate the child’s special needs. Some children with special needs face significant challenges with transitions and/or need especially stable and consistent routines. Equal time regimes and/or frequent transitions may be less appropriate for some children with special needs. When in doubt, consultation with an appropriate professional is highly recommended. It will often be valuable for guardians to be able to provide care to allow respite for the guardian with the primary residence of a child with special needs.

Family Violence

If there has been family violence (which includes what is often called intimate partner violence (IPV), spousal abuse, or domestic violence, as well as abuse of children), parenting plans must first and foremost consider the safety of children and victims of violence. Even if not seen or heard by the child(ren), children who live in families where there has been intimate partner violence are at serious risk of emotional harm.

Family violence does not discriminate. People of any age, gender, sexuality, religion, socioeconomic status, educational level, culture or ethnicity can be a perpetrator of family violence or a victim.

Family violence may include:

- Physical abuse - punching, slapping, kicking, shoving, dragging, choking, hair-pulling, biting, stabbing, locking someone in a confined space, hitting a wall or objects near someone, smothering, throwing objects at or near someone, preventing someone from sleeping, forcing someone to use drugs, driving recklessly with someone in the car, holding or tying someone down;
- Sexual abuse - touching someone sexually without their consent, forcing someone to have sex or perform a sexual act, touching a child sexually, sharing intimate pictures of a person without their consent or threatening to do so, encouraging a child to touch themselves sexually;
- Sexual coercion - telling someone they owe someone sexual favours or acts, using a relationship as leverage for mandated sexual acts, continuing to pressure or guilt someone to perform sexual acts after they've said no; coercing a partner to watch pornography;
- Reproductive coercion - refusing to wear a condom, taking a condom off without the other person's knowledge, sabotaging birth control (ex. Poking holes in condoms),
- Threats to kill or injure another person - threatening to slap, kick or punch someone, threatening to stab, smother or shoot someone;
- Killing or harming another person;
- Harassment and stalking - calling, emailing or texting someone over and over, leaving unwanted items for someone, manipulating others to monitor someone in-person or online, following or watching someone's home or workplace, monitoring someone through apps, software or video cameras, tracking someone's activities on social media; this type of behaviour can occur while spouses live together or after separation, and may increase after separation
- Failing to provide the necessities of life - neglect, not providing someone with food or water, not letting someone get the medical care they need, taking away tools for communication or accessibility;
- Psychological abuse – a pattern of yelling, humiliating, degrading, criticizing or insulting someone; controlling someone's time, actions, clothes, hairstyle, threatening a person with contacting immigration authorities to have them removed from the country; involving children in co-parenting conflict;
- Financial abuse - forcing someone to work or not letting them work, blocking someone from accessing their bank account, withholding money from someone or controlling how they spend it, incurring debts in

someone's name without their knowledge, withdrawing money from mutual bank accounts or the children's bank accounts without mutual agreement

- Threats to kill or harm an animal or damage property
- Killing or harming an animal or damaging property; and
- Coercive control - a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to control, dominate, harm, punish, or intimidate or subjugate to the perpetrator's will. It may include but not limited to the following examples:
 - patterns of aforementioned forms of abuse (physical, sexual, financial, psychological, stalking, etc.)
 - isolating someone from their home, resources, finances, emotional support system
 - gaslighting by questioning someone's accurate recollection of events
 - denying previous statements or agreements that were made
 - manufacturing evidence or crisis
 - using police or child protection to harass, humiliate or intimidate by making false reports
 - changing plans on a consistent basis to create confusion and chaotic situations
 - reporting professionals to governing bodies without factual basis when those professionals assessment is adverse to the perpetrators preferences
 - denial of reality to others or projecting false realities on others
 - manipulating professionals to align to the preferences or point of view or the perpetrator
 - undermining healthy relationships that children have with other guardian(s)
 - spreading incriminating or embarrassing rumours or false narratives about someone particularly within their community or in communities ,where they may need to interact
 - refusing to work with professionals who have fulsome information about the child's entire family system, and curating professionals with limited knowledge
 - public displays of disparagement
 - undermining someone's capabilities to parent without factual basis
 - weaponizing the child(ren) within the other guardian(s) parenting time to spy or record
 - taking away the freedom of personal choice
 - offering "solutions" in bad faith with the knowledge they will negatively impact the other person and/or children.
- Litigation abuse – this includes a range of conduct that unnecessarily increases the costs or stress of resolving family disputes and court proceedings. It may include purposefully drawing out litigation by

requesting unnecessary adjournments; changing lawyers often and particularly right before a hearing or trial date; failing to provide financial disclosure; bringing unjustified proceedings to review or appeal previous decisions; repudiating agreements right after they are reached; refusing to pay child support; deciding to self-represent while able to afford a lawyer and then using the process to harass one's former partner or purposefully overcommunicating with their counsel to increase their legal fees; being uncooperative with court-appointed professionals in efforts to increase the cost of the involvement of those professionals for the other party.

While there are relationships where there have been only isolated acts of family violence that end with separation, the period of separation may result in an increase in violence or harassment, and is actually a time of heightened risk of spousal homicide and child maltreatment. Even if physical violence ends with separation, the emotional effects of family violence may well continue to affect victims and their children for long periods after separation, and raise serious concerns about shared parental decision-making or shared parenting time.

If there are ongoing concerns about family violence or the psychological effects of past family violence, guardians should only develop their parenting plan with support. In some cases, particularly if one parent has engaged in coercive control towards others, parenting plans should be court-mandated and the court should consider including provisions for:

- support services for the victims and/or the child(ren);
- interventions for the perpetrator;
- conditions to be met regarding the perpetrator's contact with the child, including but not limited to a demonstrable change of the perpetrator's behaviour;
- protocols that may help to reduce the risk of harm; and
- heightened detail and clarity of direction to avoid manipulation of the parenting plan.

If guardians are involved in criminal, child protection, or other proceedings that raise family violence issues, this may affect participation in mediation or other family dispute resolution processes and may limit the terms of a parenting plan.

If there has been family violence, including verbal abuse or threats, the exchanges should be in neutral places, and direct contact between the guardians should be limited or no contact exchanges should be considered.

Additionally, whether or not included in a parenting plan, if children have been exposed to family violence, there should be a counselling or treatment plan for the child(ren) to address the adverse effects on them. Counselling and/or treatment programs conducted by professionals who have a depth of experience and training with regard to co-parenting conflict, childhood trauma and family violence are strongly recommended before the return to parenting time if family violence has occurred.

Even if a guardian has been abusive, children may want and benefit from a relationship with that guardian. Provided a perpetrator has acknowledged, is taking steps to address their abusive behaviour and those steps are taken to ensure that the child's safety and well-being are protected, a continuing relationship may be appropriate. There are opportunities for supervision of parenting time (in-person or virtual), recorded phone calls/video calls through co-parenting apps such as Talking Parents or Our Family Wizard where phone numbers need not be shared etc.

Immigration Status and Intersectional Vulnerability

In some families guardians may be immigrants, refugees, or in Canada without immigration status. These guardians, and their children, often face economic, social, and emotional stresses. In some cases, there is trauma, perhaps reflecting experiences before coming to Canada, and there is also the potential for family violence that may be occurring in Canada. In some cases, community members or relatives may be pressuring vulnerable guardians to stay in relationships that may be abusive.

Guardians in these cases often have "intersectional vulnerability," facing complex, interacting disadvantages or discrimination due to race, gender, economic position, immigration status, and other factors that make them especially vulnerable in trying to make post-separation parenting plans and economic arrangements. It is especially important for vulnerable guardians facing intersectional challenges to have appropriate support when making parenting plans. Agencies like intimate partner violence shelters, and organizations that support newcomers to Canada, as well as from lawyers may be helpful.

Parental Substance Misuse or Mental Illness

Mental illness or substance misuse may adversely affect parenting if that guardian is emotionally unavailable, is unable to adequately discipline and set limits, or cannot provide a safe environment for the children. In such cases, it may be necessary to consider alternative parenting arrangements such as therapeutic intervention, supervised

parenting time, or limited parenting time until the concerns have been satisfactorily addressed. Protocols may need to be put in place for ongoing or periodic monitoring and for a resumption or gradual increase in parenting time.

To the extent that guardians with a mental illness or substance misuse issue are compliant with their treatment plan, or parenting is not affected, regular parenting time can be established or resumed. In many cases, it will be beneficial to proactively plan for a relapse. Support from appropriate professionals is helpful.

Guardians should also consider that their children may benefit from psycho-educational programs to assist them in understanding the issues their guardians are experiencing. In many situations, this may be an important element of safety planning. Despite the complexity of the relationship, children may still wish to have communication or contact with their guardians.

Incarcerated Guardians

There are many children with guardians incarcerated at some point during their childhood. An incarcerated guardian is still a guardian to a child, and in many cases, the child has a legal right and an emotional need to remain in contact with the guardian, especially if the parent-child relationship was strong prior to the incarceration.

While a child may benefit from having contact with an incarcerated guardian, unless ordered by a court, a non-incarcerated guardian is generally not obliged to take the child on visits to prison. If guardians are separated, a parenting plan needs to be established that takes into account the length of the prison term, the nature of the parent-child relationship before incarceration, the distance from the child(ren)'s home to the prison, the security restrictions at the prison, as well as the age and developmental needs of the child(ren), and the availability of relatives or others who are willing to facilitate contact. In-person visits may be appropriate, perhaps facilitated by a grandparent or other relative of the incarcerated guardian. Guardians should continue to encourage written and telephone contact when an in-person visit is not appropriate.

CHILD SUPPORT

Children need the financial support of guardians, even after separation or divorce, and guardians have the joint legal obligation to provide that support according to their ability to do so. The term “child support” refers to an amount that one guardian contributes to the other guardian for the financial support of the child(ren).

To determine the child support that is payable in different circumstances, consult the [federal child support guidelines and worksheets](#). If the guardians do not agree to this amount, they should seek independent legal advice to best understand their obligations and/or entitlements regarding child support.

The parenting schedule and parenting plan should be made based on an assessment of the needs and best interests of the children. However, guardians should be aware that some parenting arrangements will affect child support obligations and entitlement to some government benefits. In particular, if a parenting schedule results in guardians having the child at least 40% of the time, that may result in a situation of “shared parenting time” for the purposes of the Child Support Guidelines, and may affect entitlement to the Canada Child Benefit and the Eligible Dependent Credit for tax purposes.

Although a discussion of child support is beyond the scope of this AFCC-BC Parenting Plan Guide, some of the issues addressed in a parenting plan may affect the amount of child support that is payable, and the payment of child support may affect the ability of guardians and the child(ren) to participate in some activities related to a parenting plan. Some guardians decide to address some or all child support issues in a parenting plan.

Parenting time does not depend on or require the payment of child support, and a failure to pay child support is not a lawful basis for withholding parenting time. A family law lawyer can provide legal advice if families are faced with these challenges.

If there is difficulty with a guardian fulfilling their child support obligations, the [BC Family Maintenance Agency](#) may be able to collect the amounts owing under a support order or agreement, including any arrears and special or extraordinary expenses from the payor, record the support payments and send them to the recipient, and if necessary take steps to make sure payments are made by working with the payor.

ADDITIONAL RESOURCES FOR GUARDIANS ON PARENTING PLANS

- [Federal government resources on post-separation parenting plans](#)
- British Columbia offers a free on-line [Parenting After Separation Course](#) and a [Parenting After Separation for Indigenous Families Course](#).

TERMINOLOGY

These terms discussed here are intended to help readers understand the discussion in this AFCC-BC Parenting Plan Guide. They are not legal definitions. For a more precise understanding and legal definitions of these terms, you may wish to consult a lawyer or the free public access British Columbia [Clicklaw website](#)

access

Historically the term “access” was used to describe the time that a parent without primary care of a child spent with the child. Although the terms “access” and “visitation rights” continue to be used, it is preferable to use the terms parenting time and parenting schedules in a parenting plan. The *Divorce Act* and the British Columbia *Family Law Act* use the term “contact time” to describe the time or right of a non-guardian of a child (like a grandparent) to spend time with the child.

alienation

See parental alienation and parental alienating behaviours below

alternative dispute resolution (ADR)

See family dispute resolution below

arbitration

Both guardians agree that they will allow a neutral person—the arbitrator—to decide on issues related to parenting, after having some type of hearing. The arbitrator acts somewhat like a judge, but the process is less formal than the court. Guardians have to pay for arbitration; arbitrators are often family lawyers or experienced mental health professionals.

assessment (or court-ordered parenting plan evaluation)

is a process in which a qualified professional (social worker, psychologist, or clinical counsellor) is appointed by the court to gather information and make recommendations about a parenting plan to the judge and the guardians that will promote the child’s best interests. The assessment is a professional evaluation of the best interests of the children. The assessor will speak with the children to find out their views and will likely observe the children interact

with each of the Guardians, as well as interview Guardians; depending on the assessor's qualifications, there may be psychological testing as part of this process. These are also known as "s. 211 reports," as they are prepared pursuant to an order under s. 211 of the Family Law Act. The Guardians usually have to pay for these reports, though in some cases, a judge may order that the government provide a social worker (Family Justice Counsellor) to prepare a report, but there are lengthy delays for this service.

best interests of the child

Where parenting arrangements are made under the *Divorce Act* or the British Columbia *Family Law Act*, they must be in the best interests of the child. This means an arrangement that will best encourage the child's development, happiness and success. There are many factors to consider in determining the child's best interests, such as:

- the age and stage of development of the child;
- any special needs of the child;
- the child's relationship with each parent;
- the child's relationship with siblings, grandparents and other extended family;
- care arrangements before the separation;
- the child's views and preferences;
- each parent's ability to care for the child;
- the ability of the guardians to cooperate and communicate about parenting issues;
- the willingness of each parent to support the child's relationship with the other parent;
- the child's cultural, linguistic and religious upbringing, including indigenous heritage; and
- issues that may affect the child's safety and either guardian's parenting abilities such as family violence, substance abuse, or serious mental health issues. The definition of family violence has been expanded in the *Divorce Act* to explicitly include behaviour that constitutes a pattern of coercive control; and also includes financial abuse, threats to harm or kill animals, threats to damage property; and in the case of a child, indirect exposure to such conduct.

blended family

a family with guardians who have children from different relationships, and may include a child of the current relationship. There will be step or half siblings in a blended family.

Child Support Guidelines

are the regulations under the *Divorce Act* and the *Family Law Act* that apply when setting child support amounts that are to be paid from one parent to the other. The Guidelines consist of a set of rules and tables that must be followed by the courts when judges are setting the amount of child support, and that usually structure child support that is arranged by mediation or negotiation.

collaborative law

Guardians, their lawyers and potentially other professionals agree to work cooperatively to come to an agreement. During the collaborative process, guardians agree not to bring any court applications. There is an incentive to come to an agreement if the collaborative process does not result in an agreement as the collaborative lawyers cannot represent them in a court application, and Guardians would have to hire new lawyers.

consensual dispute resolution (CDR)

See family dispute resolution below

contact

a term used in the *Divorce Act* and *Family Law Act* to refer to a provision of a parenting plan or court order that allows a person who is not a parent, such as a grandparent, to have visits with a child or regularly communicate with the child.

counsellor

is a person who is trained to provide advice or guidance on personal issues such as parenting after separation or divorce. Counsellors may have different backgrounds such as social work or psychology.

consent order

means that both guardians agree on certain issues, and a judge will make an order based on the agreement.

co-parenting relationship

is the type of relationship between guardians who are separated or divorced where the guardians intend to jointly meet the needs of the child for whom they share responsibility. There are many types of co-parenting relationships and a range of ways in which parenting time and responsibilities are shared between guardians.

court order

a decision by a judge that is written down. Guardians must follow what the court order says. Court orders can be changed by going back to the court and asking for a change, but only if there is a good reason or the guardians agree.

custody

the term historically used to describe the right of a parent to make all major decisions about the child and have the child primarily reside with that parent. This was also called "sole custody." The concept evolved to include arrangements for joint custody, shared custody and split custody. Although some orders and agreements continue to use this term, present legislation uses more child-focused and nuanced concepts like parenting time and decision-making responsibility to describe the role of guardians.

decision-making responsibility

Parental decision-making responsibility means the responsibility for making important decisions about their children's well-being. This includes decisions about their children's:

- health care;
- education;
- culture, language, religion or spirituality; and
- significant extracurricular activities.

Important decisions can be made in several different ways, including:

- Joint decision-making responsibility: The Guardians will consult each other and make the decisions together.
- Consultative decision-making responsibility: One guardian will be responsible for final decisions, but must consult the other before making a decision, and must inform the other parent of the decision.
- Sole decision-making responsibility: One guardian makes the decisions and informs the other.

- Divided (parallel) decision-making responsibility: The guardians divide responsibility for decisions (for example, one parent will make decisions about health and religion, and the other parent is responsible for other decisions, for example, on education).

Divorce Act

is the federal law that sets out the rules for divorce, legally ending a marriage. For those getting a divorce, this Act also governs parenting and support issues. There were significant amendments to the parenting provisions of the Divorce Act that came into effect on March 1, 2021 (Bill C-78). Canada's divorce law allows any married person to obtain a divorce, so long as the parties have lived separately for at least one year. A party does not need the permission or consent of the other party to obtain a divorce.

domestic violence (see also family violence)

is a term to describe the physical, sexual, or emotional abuse of one spouse or intimate partner by the other. Other similar terms are intimate partner violence, spousal abuse, and wife abuse or battering.

family dispute resolution

This refers to various ways of resolving disputes rather than having a judge make a decision or plan for the guardians. There are several different types of dispute resolution that occur outside of the courts, including negotiation, parenting coordination, collaborative law, and arbitration. Mediation is a form of dispute resolution that occurs outside the courtroom, with a third party assisting the guardians in making a parenting plan and resolving other issues. In British Columbia, there are government-funded resources to provide free mediation for some parenting cases.

The terms "alternative dispute resolution" (ADR) and "consensual dispute resolution" (CDR) are also used to refer to resolution outside of court, such processes as mediation, collaborative law, parenting coordination, or arbitration.

Family Law Act (FLA)

The British Columbia law deals with post-separation parenting. It applies to guardians who were not married couples and can apply to married guardians who have separated but are not getting divorced. Its provisions are similar to those that apply under the federal *Divorce Act* to guardians who were married and are divorcing.

family violence

The definition in the *Divorce Act* provides that family violence means any conduct, whether or not the conduct constitutes a criminal offense, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person – and in the case of a child, the direct or indirect exposure to such conduct –and includes

- A. physical abuse, including forced confinement but excluding the use of reasonable force to protect themselves or another person;
- B. sexual abuse;
- C. threats to kill or cause bodily harm to any person;
- D. harassment, including stalking;
- E. the failure to provide the necessities of life;
- F. psychological abuse;
- G. financial abuse;
- H. threats to kill or harm an animal or damage property; and
- I. the killing or harming of an animal or the damaging of property.

gatekeeping

refers to the behaviours and attitudes of a caregiver that either facilitates and supports a child's relationship with the other guardian or restricts and limits the role of the other parent. While facilitative and supportive gatekeeping strategies are preferred for building healthy co-parenting and parent-child relationships, limiting the child's contact with a parent due to concerns of abuse or neglect may be necessary to be a "protective gatekeeper."

good enough parenting

is a term used to describe a parent who is able to keep their child physically safe, and, most of the time, is able to meet their child's emotional needs. Good enough parenting emphasizes the notion that guardians do not need to be perfect, and also need not expect perfection from their children or from the other parent.

guardian

guardian is a term used in British Columbia's *Family Law Act* to refer to a person who may exercise parenting time and have parental decision-making authority. In most cases, biological parents are guardians, though there are special situations where a father who was residing with the mother at birth may not be a guardian until his legal tie to the child is established, and same-sex partners of biological parents are generally guardians, and there are other persons who may become guardians.. This *Guide* uses the term "guardian" as it is more legally precise and inclusive, but for many purposes the the terms guardian and parent are synonymous.

Hear the Child Report

a report, usually prepared by a lawyer, psychologist, social worker, or a counsellor summarizing the results of two interviews with a child, with the child brought to each interview by a different parent. The child meets alone with the professional preparing the report. The report focuses on the child's perspectives and preferences and does not include a recommendation about parenting time or decision-making. A Hear the Child Report may be prepared for court proceedings, or used in such family dispute resolution processes as mediation.

intersectionality

is a term used to describe three aspects of lived experience: a reference to personal identities such as race, class, gender, age, ability, sexual orientation, ethnicity, and culture; the social structures of oppression that impact these identities; and how these identities and social structures intersect and interact.

joint custody

See shared decision-making

mediation

as a process in which a neutral third party helps guardians agree about issues related to separation and divorce, such as their parenting arrangement. Mediators are not marriage counselors, and cannot impose a decision on the guardians. Some family lawyers also have a mediation practice, but a lawyer who is acting as a mediator cannot provide legal advice to either party to the mediation.

mental health professional

a professional to provide mental health services, including a social worker, a psychologist, a counsellor, or a psychiatrist. Some of these professionals have particular expertise in cases of separation and divorce and may be well suited to providing assessment, mediation, or counseling services for parenting of cases.

negotiation

discussions to try and come up with a compromise or agreement about parenting issues. Guardians may negotiate themselves, or they may negotiate with the assistance of their lawyers.

parental alienating behaviours

refer to a set of behaviours and strategies that are intended to denigrate, limit and/or interfere with the child's relationship with the other parent or the extended family members. These behaviours and strategies may or may not result in parental alienation. (See also parental alienation)

parental alienation

is a situation where a child's resistance or refusal to have contact with a parent is considered to be based largely on the negative attitudes and behaviors of the favoured parent rather than based on the child's actual experience with the rejected parent.

parental decision-making

See decision-making responsibility

parenting arrangement

The BC *Family Law Act* uses the "parenting arrangement" to refer to a written, signed agreement that incorporates all or part of what the Divorce Act refers to as a "parenting plan." For the discussion in this document, the term parenting plan is generally used, though there is no significance to this difference in terminology.

parenting coach

is a person who helps guardians adopt new strategies, ideas, and attitudes to parenting. Parenting coaches focus on the future and help guardians adopt problem-solving skills.

parenting coordinator

is a professional, usually a psychologist, social worker, or family lawyer, who meets with guardians to resolve disputes about the implementation of their parenting plan.

parenting plan

is a written document that sets out how guardians will raise their children after separation or divorce. The concept of parenting plan refers to plans that guardians make for the care of their children after a separation or divorce, including arrangements about where the children will live, and who will be responsible for making major decisions about issues such as where the children will go to school, their religious education, their medical care, their after-school activities and so on.

parenting time

is the time that a guardian, parent (or other person) spends with the care of a child under an agreement or court order. The person with parenting time has the responsibility for making day-to-day decisions related to caring for the child, such as related to feeding and discipline, while the child is in their care. Parenting time is usually divided between the guardians based on a parenting schedule.

primary parenting decision-making responsibility

one guardian makes the major decisions about matters such as the child's education, religion, and health care. Generally, the child will live primarily with this person.

primary residential parent

If the child spends a substantial majority of time with one parent or guardian, that person may be referred to as the primary residential parent. The other parent or guardian may still have shared parental decision-making responsibility.

resident parent (or guardian)

when children are with Parent A, that parent may be referred to as the “resident parent”, and when they are with the other parent, that parent will be referred to as the “resident parent”. The use of this term is common in certain clauses in Parenting Plan.

resist / refusal dynamic

a child’s resistance to one parent is not necessarily due to parental alienation (see parental alienation) but may be a result of the conduct of that parent or other factors, including a high level of conflict between the guardians. Guardians concerned about alienation should seek assistance from a lawyer or mental health professional familiar with these complex cases.

separation agreement

is a written document that reflects an agreement between separated or divorcing guardians about the legal issues that face them, including division of property and support, and usually parenting. It has legal effect and is often also incorporated in a consent Court Order. A parenting plan may be incorporated into a separation agreement, be attached to it, or be a completely separate document.

shared decision-making (formerly known as joint custody)

Guardians have shared legal responsibility for the child and make major decisions about the child together.

shared parenting time (formerly called shared custody)

a child lives at least 40% of the time with each parent. This may affect the amount of child support payable under the Child Support Guidelines s.9.

shared parenting

is a social concept rather than a legal term. Usually, this refers to a situation where guardians have significant time with the child and share decision-making. Increasingly in Canada the terms “shared parenting” or “shared parenting time” are being used as synonyms, to refer to cases where each parent had the child at least 40% of the time.

sole custody (see primary parenting and sole decision-making responsibility)

a term that was used in the past when one parent had the right to make the major decisions about matters such as the child's education, religion, and health care; the child would primarily reside with that parent. Although this term appears in orders and agreements made before March 1, 2021, it does not appear in current Canadian legislation.

split parenting time (previously known as split custody)

is an arrangement where at least one or more children reside most of the time (at least 60%) with one parent, and one or more children live primarily with the other parent. This splitting of siblings occurs in less than one case in twenty in Canada.

step-family

is a family where at least one of the guardians has a child from a previous relationship.

step-up parenting plan

refers to a parenting plan that may be envisioned like a staircase, with a parent with a history of less involvement in the care of a child gradually increasing time with the child as that parent gains experience and the parent and child become more comfortable spending longer periods together. This also gives the child time to gradually adjust to spending longer periods away from a parent who may have been a primary attachment figure.