

Worried about the breakup of your marriage? *It doesn't have to result in a vicious battle.*

Make your situation better. Read the wise advice in this article series authored by experienced family lawyers. Then consider how you'll proceed in the best interests of yourself and your family.

Article 5: Surviving a breakup: how to develop a "parenting plan".

This is the fifth of ten articles designed to help people understand the complex area of family law. The articles are not a substitute for legal advice. They are meant to help you focus on the issues that you should consider when faced with family conflict.

Are you unsure of how you'll continue to parent your children after a breakup? You have choices. Only you and your spouse are the experts on what is best for your children. You can craft your own plan (as creatively as you wish) or you can leave the issue of how you will parent your children to a judge (who knows neither you nor your children).

If you take your parenting dispute to court, the court will make two strong presumptions. The first is that any parenting plan needs to honour the principle that children should spend as much time as is reasonable with both parents. The second is that any plan the court imposes will be based on the best interests of the children before the rights of the parents.

Courts and lawyers are not interested in parents' pleas for their "right" to have the children with them a certain amount of the time. What they do consider is the needs of the child, such as schooling, recreational activities, extended family ties, and peers. The parents' needs are important as well, but are considered around work schedules, availability of child care, and the ability of the parent to look after the child. More and more, children are being asked to tell the court (usually through a neutral third person) what matters to them in a parenting scheme.

If you and your spouse don't want the court to tell you what your relationship with your children should be like, you will need to create a parenting plan yourselves. As with any planning process, you will need information. Here are some great places to start:

1. The Parenting After Separation course. It is held during an evening and it is free. Phone the Kelowna Family Services Society for more information (250.860.3181).
2. The Public Health Agency of Canada puts out a book called *Because Life Goes On*. You can order it by phoning 613.954.5995.
3. For more detailed information, read the book *Surviving the Breakup, How Children & Parents Cope with Divorce*, by Judith Wallerstein and Joan Kelly.

Counselors can be very helpful when creating a parenting plan. You can go to a counselor either together or separately to discuss what children need and what is age appropriate. Sometimes, your children's school counselor or your family doctor will be willing to give you input.

Remember, your children didn't ask for this breakup. They are hurting just like you are. Focus on their needs, not what your spouse did or didn't do to cause the breakup. Your children need both parents at this difficult time in their lives.

Ronald J. Smith and Glenda Peacock are family lawyers and mediators based in Kelowna, BC. They wrote this article series to help people learn about preparing for collaborative and constructive solutions to the legal issues involved in marriage breakup.

You can contact Smith Peacock for a consultation by phoning 250.860.7868 or 888.787.6484.

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