



For the Sake of the Children by Jodi L. Wyman

Manitoba's family Court has a new rule and all parents going through a separation will have to be aware of it.

Each parent involved in a separation is now required to attend the "For the Sake of the Children" information program through Family Conciliation before they are allowed to have a Court hearing on custody or access.

The course consists of two sessions, each three hours long. It focuses on helping parents understand what they are going through, not only emotionally, but also legally. Perhaps more importantly, it also helps parents help their children to adjust to the separation and cope with all the changes. Parents learn the effect that their conflict can have on their children, and how to avoid the negative impact.

The separated parents have to enroll in separate sessions. They will learn about the typical stages of separation, the children's experiences with each, communication skills, new partner issues, alternatives to Court and to develop parenting plans. Other individuals, such as new step-parents, can also attend.

The second session has two

options; one for low conflict separations, and one for higher conflict splits.

The program has been in existence for more than a decade, but until now separating parents were only encouraged to attend the course. Information was sent out to any person named in a Court matter where young children were involved. Sometimes Judges would make a Court Order that one or both parents attend the course if it seemed appropriate.

Now however, the new Court rule says that every person involved in a Court dispute over custody, access or private guardianship must attend the program. They have to have done so before they can have a hearing in Court for either a temporary or a final Order. A certificate of attendance showing that the parent attended the course has to be filed in Court at least two days before the hearing.

A pamphlet about the program will have to be served on the other parent when they are served with the Court papers for custody, access or guardianship.

The rule does not apply to hearings which are unopposed by the other parent, or if the Order is agreed to by both parties.

If the issue before the Court is very urgent, and there is no time to attend, the Judge can go ahead with the hearing, but Order a date by which the program must be completed.

What if one parent wants to go to Court to seek custody and has completed the program but the other parent decides to stall by not enrolling? The Judge can still proceed with the hearing, and can make a variety of Orders to penalize the other parent. For example, they can order Court costs against him or her, or ignore that parent's evidence.

Many parents with ongoing Court matters have already attended and completed the course. If they did so within a two year period before the hearing, they do not have to re-attend. They will still have to file a certificate proving their attendance.

Family Conciliation can be reached at 945-7236 or www.gov.mb.ca/fs/childfam/family_conciliation.html.