

Separation Agreements - Children and Major Decision Making - Dispute Resolution Options

When parents are working out the terms of the parenting arrangement it is helpful to have a structure to assist the parents in making long term decisions such as for education, medical procedures, or religious instruction.

One method is to have the parties consult with one another on major decisions. If there is no agreement, for example, if one parent wished to change the residence of the child or children including moving out of the province of British Columbia, then the parents can use non court options such as the Collaborative Family Law process or mediation. The Collaborative Family Law team includes Child Specialists who can in a neutral, credible and professional way assist in assessing what is in the best interest of the child(ren).

The Family Law Act has a section, 203, which would allow a judge to appoint a lawyer for a child and direct how the fees of that lawyer will be paid.

There is also the possibility of obtaining the Views of the Child Report if the child or children are mature enough to express an opinion as to the matter in issue.

Separation Agreements can include provisions that even though one uses the alternative dispute resolution options to try and resolve this major decision such as the Collaborative Family Law process or mediation, if there is no resolution of the major decision, the primary parent would be the one to make that decision which is referred to as the Master Joyce Model.

If the Master Joyce Model is not utilized and the parties cannot resolve matters by way of the non-adversarial options, then the Court could make a decision in this regard.