



# Organisation pour la Sauvegarde des Droits des Enfants Organization for the Protection of Children's Rights

## PRESS RELEASE

For immediate publication

### Best interests of children should be focus of new divorce strategy

The Organization for the Protection of Children Rights (OPCR) - a registered charity defending the rights of children and teenagers in difficulty, especially as a result of family conflicts and/or the break up of their family, since 1983 – commends the justice minister of Canada for putting education and mediation programs at the forefront of his proposed changes to the Canadian Divorce Act.

Anyone who has been through a divorce knows how adversarial and costly the current process is. My own 16-year struggle to maintain a vital relationship with my son is only one of many cases exemplifying how the legal system in its current state fails, totally, to meet its obligation to work in the best interests of children of separated and divorced parents.

Numerous researches have also shown the short- and long-term negative consequences of marital dissolution and divorce proceedings on children. For instance, children from broken families are 2 times more likely to drop out of school; they are significantly more likely to become delinquent by age 15 and end up in prison while teenagers, to run away from home, to commit suicide, to exhibit behavioural and psychological problems, to be subject to parental kidnapping and/or physical harm and to divorce themselves if they even marry. Many studies have also suggested that the effects of divorce on childhood happiness may be more pronounced than the effects of the death of a parent and may have deeper consequences on quality of life and emotional health.

We are delighted to see some of the key recommendations our organization has been advocating since 1984 to adapt family laws to the changing conjugal life in Canada and ensure that they truly work in the best of interests of children as main elements of the new divorce strategy. We encourage the Hon. Martin Cauchon to establish the legal framework implied by the new strategic focus in order to ensure that the proposed changes will in fact contribute to alleviate the suffering of thousands of Canadian children embroiled in custody and access battles every year.

To this effect, we recommend:

1. The creation of courses at the elementary and secondary level in order to educate and sensitize students about parental responsibilities. The goal being to ensure that the next generation may adequately understand and assume its role as parents;
2. The creation of a system of family reconciliation that would be available at all times for couples and families in crisis;
3. Putting into place family mediation services that are free, mandatory and non-judicial for all couples experiencing marital difficulties or going through divorce proceedings. Such services should also be available for grandparents and other family members in crisis;

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4. The elimination of terms which create friction between the parties. For instance, replace the expressions "legal custody" by "parental responsibilities", "support orders" by "financial responsibilities of parents" and "parenting orders" by "parenting responsibilities";
5. The creation of a court specializing in family matters where judges have an extensive background in family law as well as in psychosocial matters;
6. The creation of an office of formal complaints where one spouse can file an official complaint in the event that the other spouse does not respect his\her financial or other responsibilities. The official taking the complaint would first discuss the problem with the complainant and then would speak with the other spouse in order to sensitize the latter to the importance of maintaining his\her obligations and responsibilities.

It is only through a comprehensive overhaul of the outdated assumptions underlying current family laws that the best interests as well as the rights of children will truly be recognized and integrated into the social and legal structure of our society.

**FOR THE LOVE OF OUR CHILDREN!**

Riccardo Di Done  
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