

How Collaborative Process Keeps Children's Interests at the Heart of Agreements

In the new family law act, we are introduced to some new terminology that represents a significant shift in social consciousness. We have finally moved away from the concept of children as chattel over which custody battles ensued, to parental responsibilities and children's rights, to guardianship and parenting time, and to hearing the voice of children in decisions affecting them. The new act offers families more tools and resources for resolving disputes regarding parenting and the best interests of their children. Collaborative process is uniquely equipped to provide separating parents with the support they require in the form of their collaborative team. This means that lawyers and financial specialists can work together to solve what can be complex challenges of property division and financial support, within a financial plan that upholds the well-being of the family as a whole. The mental health professionals on the team can work with parents and children to make a successful transition to a healthy post-divorce family. While it may seem overwhelming to have so many professionals involved, everyone plays a unique and vital role, including the separating couple. It is like completing sections of a puzzle which all come together in the end. And where children are present, the success of the whole picture – the separation agreement - must be measured against whether the best interests of the children are being served on all levels. The mental health professionals on the team keep this as their central focus in the collaborative process, and they are the divorce coaches and the neutral child specialist.

It has always been our role to support families going through this difficult transition. Divorce coaches teach parents the skills to be effective co-parents in the business of raising their children; child specialists listen to the concerns of children, and give them a voice in decisions which impact them. With the new family law act in effect, these are now legal expectations: that separated parents must learn to take on their responsibilities in this new context, which often means not only learning new parenting skills, but tools for communication, decision-making, emotional self-regulation and conflict resolution, so that their children can thrive. Now, children have the right to be heard and have their interests represented. There are lists of items to be considered in creating parenting plans that respect their needs. Collaborative law as well as other dispute resolution processes outside of court will now be encouraged as the norm for separating families.

These are exciting times, not only because of the protection offered children in strengthening families undergoing this transition, but because of the potential for growth as a society. There is no place for ongoing, often debilitating, conflict in families, and the new family law act seeks in good faith to remedy this too-frequent outcome of separation in offering alternative processes

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