

**2002:07PU      DOMESTIC VIOLENCE – SHARED PARENTING**

Whereas:        in 1998 the National Council of Women of Canada urged the Government of Canada to ensure that legislation relating to custody and access of children in cases of separation or divorce to consider shared parenting as a serious alternative where appropriate; and

Whereas:        the Special Joint Committee on Custody and Access was created in 1997 and released a report entitled For the Sake of the Children with recommendations to amend the Divorce Act; and

Whereas:        the Committee recommended that the terms “custody” and “access” no longer be used in the Divorce Act and instead, the meaning of both terms be incorporated in the new term “shared parenting”; and

Whereas:        as studies have shown, shared parenting, also referred to as joint custody, increases the opportunity for abusive spouses to harass their partners; and

Whereas:        the use of court-related procedure by abusive partners to harass their ex- spouses is already a widespread problem; and

Whereas:        when domestic violence is or has been present in the relationship, shared parenting arrangements may increase the danger to children and to the non-violent partner; therefore be it

RESOLVED:    that the National Council of Women of Canada adopt and add to the policy in 98.4EM the rejection of shared parenting in cases of domestic violence; and be it further

RESOLVED:    that the National Council of Women of Canada urge the Government of Canada to amend to the Divorce Act and to recognize that joint custody or shared parenting should be considered only where:

- a. both parties agree freely to such an arrangement,
- b. it is in the best interests of the children, and
- c. there is an amicable relationship between the parents