

Letter to Seek Endorsement for “The Best Interests of the Child: The Canadian Campaign for Equal Shared Co-Parenting”

Summary

(Please see the appendix below for more detailed information)

The Best Interests Of The Child: The Canadian Campaign for Equal Shared Co-Parenting seeks to bring about legislative reform to amend the *Divorce Act* by implementing a rebuttable presumption of equal shared co-parenting (absent special circumstances). The campaign is partnered with a number of parliamentarians who are working toward the campaign goal. At this stage, we are reaching out to our colleagues in academia who support our view on the impact of this campaign on the lives of many children and their parents who are facing the challenges of family disunion.

Why Equal Shared Co-Parenting?

- The current divorce laws may lead to increase conflict, do not optimize children's time with both parents, lead to negative short- and long-term outcomes for children, and increase unnecessarily expensive legal proceedings
- Given the extensive research in this area (see Appendix A), equal shared co-parenting after divorce is in the best interests of children and their parents (absent special circumstances)
- Many progressive jurisdictions, including those in Scandinavian and other European countries, as well as many states in the USA, have implemented equal shared co-parenting legislation, reporting more positive outcomes, including lower rates of intimate partner violence
- Rebuttable presumption of equal shared co-parenting addresses situations where it is not in the best interests of children to be with both parents
- Recent polls indicate 77% of Canadians, including those from all geographical areas and both genders, support legislation for equal shared co-parenting
- The Campaign Advisory Council of agency leadership (including women support services), legal scholars, academics, clergy, those with lived experience have approved a proposed draft of legislation which will be submitted for parliamentary review.

We ask your endorsement for this campaign and the following statement:

I endorse the “Best Interests of the Child: The Canadian Campaign for Equal Shared Co-Parenting” and a reform of the *Divorce Act* to reflect a rebuttable presumption of equal shared co-parenting.

Bijan Rafii, Chair

[The Canadian Campaign for Equal Shared Co-Parenting](#)

bijanrafiiesp@gmail.com

Appendix A

What is the current paradigm when families go through divorce?

Up to 40% of marriages in Canada end in divorce ([Government of Canada, 2022a](#)), affecting about 18% of children (up to 17 years of age; 1.2 million children) in 2019 (Statistics Canada, 2022). If there is a disagreement during the divorce proceedings where parents with children cannot agree on parenting time and/or parental decision-making responsibility, the court is the only option to resolve the dispute. Consequently, court proceedings are rife with high potential for conflict, high emotional costs to both the parents and their children.

Why is the current paradigm not working?

- The latest data indicate that divorce is the second most significant non-medical risk factor for mortality after smoking ([Puterman et al., 2019](#)). Therefore, the current model is not in the best interest of the parents.
- In Canada, after divorce, about 70-80% (depending on the province; [Bala, 2021](#)) of affected children are not in an equal shared co-parenting arrangement and therefore have great difficulty maintaining a relationship with the non-residential parent. While parents' continue their parenting responsibilities and roles after parental separation ([Haux & Platt, 2021](#)), separation and divorce place father-child relationships at substantial risk. Children losing contact with one parent increases over time with 1 in 5 children having no contact with their one parent (usually the father) after 5 – 9 years post-separation; almost 4 in 10 over years ([Government of Canada, 2022b](#)). The current divorce laws are not in the best interest of the children.
- The current model leads to many single-parent families (usually the mothers) which, in turn, creates major challenges such as sacrificing future earning potential, higher risk of financial instability and volatility ([Liu et al, 2023](#)), and at greater risk for psychological distress ([Watson & Kalkat, 2024](#)). The current model is not in the best interests of Mothers.

How does lack of relationship with the non-residential parent affect children?

Current divorce laws are not in the best interest of the children. Compared to two-parent homes, children who are estranged from a parent (usually the father) are at a higher risk of the following:

- Children in fatherless homes are 4x more likely to attempt suicide ([Velez & Cohn, 1988, Table 5](#))
- **Involvement in Crime**
 - Children from father-absent homes are 279% more likely to deal drugs than their peers living in father-present homes ([Allen & Lo, 2012](#))
 - A 1% increase in a neighbourhood's proportion of single-parent families is associated with a 3% increase in adolescent violence ([Knoester & Hayne, 2005](#))

- 66% of juvenile delinquents experienced fatherlessness ([Kofler-Westergren et al., 2010](#))
 - 82% of school shooters grew up in an unstable family environment or without both biological parents together ([Langman, 2016](#))
 - Children from single-guardian homes are 5x more likely to be a rapist than are children from dual-guardian homes ([Knight & Prentky, 1987](#); Massachusetts Census, 1980)
- **Negative Educational Outcomes**
 - Students living in father-absent homes are 2x as likely to repeat a grade in school ([Nord & West, 2001](#))
 - Children with an actively engaged father are 33% less likely to repeat a class and 43% more likely to get A's in school ([Nord & West, 2001](#))
 - 71% of high school dropouts are fatherless ([Wilson, 1998](#))
- **Negative Health and Wellbeing Outcomes**
 - Children from single-parent families are 3x more likely to experience depression, dysthymia (a milder, but long-lasting form of depression), and bipolar disorders ([Cuffe et al., 2005](#))
 - Children with no contact with the other parent was 1.9 times more likely of exhibiting anxiety than those living with both parents ([Galbraith & Kingsbury, 2022](#))
 - Children from single-parent families are 2x more likely to suffer from mental health and behavioural problems ([Anderson, 2014](#))
 - Girls whose fathers left home before they were five years old are 8x more likely to become pregnant as adolescents ([Anderson, 2014](#))
- **Higher Drug Use**
 - Children who grow up in mother-only households are at a 23% increased risk of smoking cannabis ([Hemovich & Cran, 2009](#))
 - Living with one's father decreases adolescents' risk of substance use by 26% ([Booth et al., 2010](#))
- **Cellular Marker for Trauma**
 - Children who lose a father have 14% shorter telomeres (a cellular marker for significant trauma as well as life expectancy; [Mitchel et al., 2017](#)). The effect is 40% stronger for boys than girls.
- **Multigenerational Impact**
 - Newborns of men who experienced trauma as a child have altered brain development. Loss of a parent (usually loss of the father) is a significant cause of trauma in the children ([Karlsson, 2020](#)).

How does rebuttable presumption of equal shared co-parenting work?

According to our proposed model, both parents enter the custody discussion with a presumption that there will be a 50-50 parental time and parental decision making. However, if there is any reason that presumption would not be in the best interests of the children (e.g., situations of neglect and/or abuse), the presumption can be rebutted with a requirement for evidence. Additionally, there are other situations that a 50-50 arrangement may not be ideal for the parents. These may include situations where one parent may not be able to contribute equally to the care for children due to various reasons including mental health capacity or employment schedule. The rebuttable presumption of equal shared co-parenting is now the gold standard in international equal shared co-parenting legislation.

Equal shared co-parenting legislation is correlated with a reduction in incidence of intimate partner abuse?

According to the latest report from the Statistics Canada ([Conroy, 2021](#)), between 2014 and 2019, 3.5 % of Canadians (61% female, 39% male) in a relationship in the past 5 years (in the past 12 months) have experienced intimate partner abuse in both their current and former relationships (e.g., 52% female, 48% male victimization in the current relationship). The research from [Spain](#) and [Kentucky](#) so far indicates that these jurisdictions have experienced lower incidence of intimate partner abuse after equal share co-parenting legislation had been implemented.

How this proposal has been vetted so far?

The proposed draft of the amendment has been reviewed by the 17 member Canadian Advisory Council on Equal Co-Parenting and endorsed.

The council members represent the following areas:

- Academia (anthropology, gender studies, human development, psychology, sociology)
- Clergy
- Clinical psychologists
- Family law
- Indigenous
- LGTBQ
- Social agency senior leadership (5)
- Those with child protection experience
- Those with lived experience of divorce (Mom, Dad, Grandparent)
- Victims services
- Women's support agencies

Would equal-shared co-parenting solve every family and social challenge?

No. However, this framework for equal shared co-parenting legislation will have a significant impact in the lives of numerous families and their children in Canada and will reduce conflict and financial cost at the time when families are at their most vulnerable position.

What benefits other jurisdictions have seen after implementing equal shared co-parenting?

Besides correlation with lower incidence of domestic abuse, other data from these equal shared co-parenting jurisdictions were coming forward. For example, a [recent publication](#) has compared a number of outcomes from regions in Spain that have adopted shared parenting legislation to other countries that did not adopt this legislation. The findings were positive for all criteria, including adolescents (especially boys) displaying lower high-risk behaviours such as addiction, as well as higher employment rates for the Mothers, given they had more availability to dedicate time to their careers.

What do the Canadians want?

In a [2022 Nanos Poll](#), 77% of Canadians (up from 70% in 2017) indicated that they are in favour of legislation for equal shared co-parenting.

What other examples of progressive jurisdictions that have legislated equal shared co-parenting?

Jurisdictions that have currently implemented equal shared co-parenting include Scandinavian countries, many European countries, 6 states in the USA and Brazil. Many other jurisdictions are currently working to bring equal shared co-parenting. Canada is currently lagging behind other progressive jurisdictions in legislating equal shared co-parenting.

How far are we in the legislative process in bringing equal shared co-parenting in Canada?

Currently the Canadian Campaign for Equal Shared Co-Parenting has engaged an informal Parliamentary bipartisan caucus of 6 progressive MPs across the party lines. They are working towards bringing equal shared co-parenting to Canada and they are seeking support from other Canadian institutions and advocacy groups to bring about this important social change. Five other MPs have declared their support for our campaign.