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### **PARENTING LAW AND PRACTICE IN CANADA**

**Ann Wilton**

**Release No. 2, April 2022**

#### **Publisher's Special Release Note 2021**

The pages in this work were reissued in September 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the September 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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*Parenting Law and Practice in Canada* guides the practitioner through all aspects of law and practice related to custody and access in Canada, including the impact of the changes to the *Divorce Act*. The expert commentary covers the stages of a custody access proceeding including interim proceedings, and decisions on the merits, enforcement, variation, and appeals. This work examines the substantive and procedural law as well as negotiation, tactical, and advocacy skills. Alternative dispute resolution methods are considered, as are other topics of current interest such as the expansion of access rights, including access for grandparents, child representation, mobility rights, and the effect of religion upon custody and access.

#### **What's New in this Release:**

- This release features an extensive update to Chapter 11, which is now titled “Variation of Parenting and Contact Orders”.

#### **Highlights:**

- **Variation of Parenting and Contact Orders—Material Change in Circumstances—Remarriage, Cohabitation and a New Family Unit; Change in Employment; Wishes of the Child—Remarriage, Cohabitation and a New Family Unit—Case Law**—When the father’s relationship ended with his common-law spouse, who had been the primary caregiver for the children, this constituted a material change of circumstances: *M.A.F. v. J.C.F.*, 2021 BCSC 1447, 2021 CarswellBC 2342 (B.C. S.C.).
- **Variation of Parenting and Contact Orders—Material Change in Circumstances—Parental Conduct and Health Affecting the Child—Case Law—New Brunswick**—The father’s refusal to acknowledge the children’s issues and a need for increased therapy was a change in circumstances. The children exhibited signs of increased anxiety and expressed fear of being in their father’s home. At the time of the divorce, the parties had agreed to follow a psychologist’s recommendations. The father’s current insistence that the children’s counselling be terminated constituted a material change in circumstances, warranting a variation of the father’s parenting time on an interim basis: *J.B.-S. v. M.M.S.*, 2021 NBQB 96, 2021 CarswellNB 245, 56 R.F.L. (8th) 438 (N.B. Q.B.).
- **Variation of Parenting and Contact Orders—Material Change in Circumstances—Parental Conduct and Health Affecting the Child—Case Law—Ontario**—A material change of circumstances occurred where the children left the father’s home due to conflict and an uncomfortable home environment; the father had locked out the children and had not attempted to contact them. The father’s mental health was unpredictable, and the children had suffered abuse in his house. The court held that it was in the best interests of the children to vary the order to reflect the status quo, with the mother having sole decision-making authority and sole residence with the mother: *V. v. V.*, 2021 ONSC 4380, 2021 CarswellOnt 8907 (Ont. S.C.J.)

#### **ProView Developments**

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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