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

**Ann Wilton**

**Release No. 3, September 2025**

*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.

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

Chapter 5 (Assessments), Chapter 13 (Evidence), Appendix E (Selected Sections of Related Legislation), Appendix J (Courts of Justice Act), Appendix IF (Issues in Focus)

## **Highlights:**

- **Appendix E—Selected Sections of Related Legislation.**
- **Appendix J—Courts of Justice Act.**
- **§ IF:6. What role does a child's relationship with half-siblings play in the determination of custody issues?—Alberta—TVA—May 1, 2023.**
- **§ IF:7. What is the standard of review in appeals from child custody decisions?—Alberta —TVA—January 1, 2024.**
- **§ IF:8. Is it possible that a judge could find the parties' son's expressed preference to move to New York City to have been influenced by the husband?—Alberta—TVA—March 1, 2023.**
- **§ IF:9. How might a family mediator screen for domestic violence, and determine whether or not to proceed if a power imbalance exists?—Ontario—Ann Wilton, Gary Joseph, Tori Joseph, Renée Kerman—October 22, 2024.**
- **§ IF:10. Is it a material change in circumstances that the custodial parent is attempting to thwart the efforts of the access parent to develop a meaningful relationship with the child? Is it material that the actions of the custodial parent may be as a result of a deterioration of her mental health and/or addiction?—Ontario—TVA—November 1, 2024.**
- **§ IF:11. Should the Court vary the custody order and award the mother sole custody of the parties' two children?—Ontario—TVA—August 1, 2022.**
- **§ IF:12. Does the case-law on mobility support your client's proposed move from Town 1 to Town 2? What are the leading cases for and against the proposed move?—Ontario—TVA—March 1, 2023.**
- **§ IF:13. Are there cases supporting a father's position that he should have custody of his children and the mother should have weekend access to the children once per month but not overnight?—In particular, what principles will apply when determining the children's primary residence?—Ontario & Federal—TVA—January 1, 2024.**
- **§ IF:14. Are there cases supporting a father's position that he should have custody of his children and the mother should have weekend access to the children once per month but not overnight—In particular, what principles should be considered in restricting access to the non-custodial parent?—Ontario & Federal—TVA—January 1, 2024.**

- **§ IF:15. What is the primary consideration for courts in mobility cases?—Ontario—TVA—February 1, 2024—CARS2MEMO-ONM 567.**