

TO WHOM IT MAY CONCERN

Brief

When the Court determines that a parent has alienated a child from their other parent, the Court may order a change in primary residency. Sometimes, the Court will issue a "no contact" ruling, where the child cannot have any contact with the "alienating parent" for a period of time, usually six months. While this makes sense from a legal / equity point of view (punishing the wrong-doer), it is actually terribly punitive for the child, who is innocent in all this, and can result in devastating, and long-lasting, psychological trauma. The proposed amendment ensures that the Court will allow some form of ongoing contact/support with the "alienating parent", when the Court determines that a change in primary residency is warranted.

Proposed Amendment to The Family Law Act

When the Court determines that a change in primary residence is warranted, the Court must ensure that the child(ren) has ongoing and consistent access to the parent with whom they had been primarily residing. The Court will determine the least restrictive form of access consistent with the child's physical and emotional safety and wellbeing. The Court must consider any expressed wishes and feelings of the child(ren), and / or recommendations from psychologists or other professionals acting on behalf of the child(ren) in question.

Thank you for your consideration.

Sincerely,

Dr. Bob Jacobs  
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