



Justice

Family Law
Support Services

**Information for Parents
Dealing with Separation or
Divorce**

Saskatchewan

Upon separation or divorce, both parents need to be a vital part of their children's lives. A child is entitled to ongoing care and attention from both parents. You must show your children there are two parents who love them, even though those parents cannot live with each other.

During the separation process, everyone involved feels many different emotions. The way parents feel about themselves can affect how their children feel about themselves. The way you cope with your separation will largely decide how your children cope with it.

This pamphlet provides some guidelines to keep in mind as your family deals with separation or divorce.

HOW MIGHT THE CHILDREN REACT TO THE SEPARATION OR DIVORCE?

All children will react in some way to this major change in their lives and their feelings are often similar to your own. The following are common reactions that children may experience:

- C Relief that a bad situation is finally over and that the house is peaceful again.
- C Sadness and grief, which can be expressed in many ways, including depression and tears, sleeplessness, loss of appetite, defiance or other behaviour. Remember, a child's bad behaviour may not be an attempt to anger or provoke you.
- C Anger at one parent for leaving, at one for driving the other away, and at both for separating.
- C Feeling rejected, let down and unloved. Children often feel one parent is leaving them instead of realizing that their parent is only leaving the other parent. Children may believe they are not lovable and that all people close to them will reject them.
- C Fear that the other parent will leave, too.
- C Guilt over a belief that they somehow caused their parents to separate.

A child can express feelings in many ways other than words. You may notice:

- C a return to bed wetting, thumb sucking or babbling for infants or toddlers;
- C disobedience, attention-seeking and a refusal to be left alone; or
- C expressions of anger by adolescents toward one or both parents for the loss of direction and security, and for the pain they caused.

It is important to know that such behaviour may be temporary. It may be the only way for children to express themselves. They need to know they are not losing either parent. They must also understand that they are not losing other important people in their lives, such as grandparents, aunts, uncles or cousins.

In dealing with the effects of separation on their children, parents should remember these points:

- C children can recover fairly quickly from a separation if it is properly handled;
- C a safe, peaceful single-parent home is less harmful than a disruptive home with two troubled parents;
- C since growing up is always a struggle, some of the child's behaviour may not be related to the separation or divorce;
- C no matter what, children will be saddened by the separation and must be allowed to grieve; and
- C when parents stay consistent throughout the process, children adjust more quickly.

HOW SHOULD I TELL THE KIDS ABOUT THE SEPARATION? HOW CAN I HELP THEM HANDLE IT?

It is best if both parents together can talk to all the children at once about the separation. It is important you are honest with the children. Communication is crucial at this time.

You should discuss the fact that you and your spouse have chosen not to live together anymore because you are unhappy together; where the children will live and how much contact they will have with the other parent; and, how their lives will change and how they will not.

- C Be certain about your plans to separate before you announce them to the children.
- C Don't burden them with details they can't understand or handle emotionally.
- C Encourage the children to ask questions and talk about their feelings.
- C Make it clear to them that your care and love will not stop.
- C Assure and reassure the children that they are in no way to blame for the separation.
- C Try not to blame one parent. This can cause the children pain and can make them choose sides.
- C Carrying anger and bitterness toward your former spouse can harm the children more than the separation or divorce itself.

Remember, if you and your spouse can live more happily separately, your children are more likely to be happy. It is very important to remember that while you may not like your partner as a spouse, your children may be very happy with that person as a parent.

C Try to co-operate as parents. Don't make children weapons in marital disputes.

C Be as consistent as possible. Keep the routine the same in both homes regarding bedtimes, meals, visits with friends or relatives and discipline. This reassures children they are being well cared for. Children need consistency and stability.

No matter how you try to help, children may respond with tears, silence or denial. You might have to repeat yourself at different times and in different ways to help your children understand. Children may not ask questions but that doesn't mean they aren't worrying or wondering about what is happening.

WHAT FEELINGS CAN I EXPECT TO EXPERIENCE?

You need to recognize and deal with your own feelings. Your children depend on you and you must care for yourself before you can properly care for them. Separation and divorce are emotional processes requiring many changes in a person's life. Most people experience similar emotions as they adjust. Feelings of anger, shame, depression and revenge are common. However, different ways of coping are natural, too.

- C Some people suffer most of the pain before the actual separation. Others suffer most of the pain afterwards.
- C The time for adjustment varies according to factors like personal circumstances, length of the relationship or supports available.
- C Although progress may be made, temporary setbacks are normal.
- C A person might feel more fulfilled after the separation. Others continue to feel the loss but learn to get satisfaction from other parts of their lives.
- C The family has to reorganize and restructure itself. Everyone must relate to each other in different and new ways.

It helps to read about the issues concerning you, and to attend educational meetings and support groups. Discussions with people such as pastors or counsellors may also help.

Generally, there are three stages of emotional adjustment in separation and divorce: shock, healing and taking a new direction.

SHOCK

In this stage, you may feel numbness, severe pain, happiness, confusion or all of these together.

You may experience:

- C disbelief or denial that this is happening;
- C feelings of rejection, shame and failure;
- C doubts you can make it alone;
- C restlessness and a need to be around people, or you may avoid them entirely;
- C a need to constantly analyse what might have gone wrong;
- C concern over the children's pain, but feel helpless to resolve it;
- C confusion and fear of the future;
- C worry over what others might think;
- C anger at your spouse, yourself and the circumstances; and
- C guilt for putting the children in this position.

During this stage you must first take care of your physical and emotional needs. Talk to a friend or relative. You and your children should feel free to grieve. Put decisions that have to be made in order of importance.

HEALING

- C Things are settling down and some routine is back.
- C New or previously unused skills are being learned or used.
- C You are ready to make decisions about your children, finances, career and living arrangements.
- C You think about your relationship other than the marital relationship.
- C Your children's needs are easier to deal with and your relationship with them is changing.
- C Your own identity is becoming clearer.

It is common at this stage, even with your growing satisfaction, to feel uncertain and uncomfortable as things change around you. Don't make uninformed decisions. Avoid rushing into another exclusive relationship. Join support or discussion groups and reach out to new people. Take time for yourself. Focus on the positive.

It is important to communicate with your children. They will have to go through many changes in their lives too, so don't rely on them for comfort and support.

NEW DIRECTION

Now that some changes have been made, you may start to feel more sure of yourself and of being on your own.

- C You concentrate more on yourself and don't need to depend on others as much.
- C You have good relationships with others.
- C Your past relationship causes you less concern and you feel you've learned from it.
- C You have less ill-will toward your ex-spouse.
- C You co-operate in parenting with the other parent and with your extended family, with your children's best interests in mind.

You are now more confident and self-sufficient. Still, the odd "down" period may lie ahead. Remember that it is natural for this process to take months or even years following separation or divorce.

WHAT SHOULD BE CONSIDERED REGARDING CUSTODY AND ACCESS?

A child's parents are usually best able to decide who a child should live with and what contact there should be with each parent.

- C It is in the child's best interest that both parents be involved in his or her life. Both should take part in important matters like discipline, activities, school, health and dealing with joy and grief.
- C It's best if both parents can agree on custody of and access to the children.
- C The federal government's Child Support Guidelines have been in effect since May 1, 1997. In Saskatchewan, the guidelines may apply to any relationship ending in separation or divorce that involves a child or children.
- C With infants, the best choice for custody may be the parent with the most time and contact with the child.
- C With school-age children, spending every weekend with the non-custodial parent is not advisable. Each parent should be able to enjoy leisure time with the children.
- C Teenagers should be allowed some choice and flexibility regarding custody and access.
- C The visits should have a routine, and they should be as frequent and natural as possible.

- C Never use the children's visits to check up on the other parent. This makes the visit uncomfortable for the children. They may believe that if they do something to please one parent, they will be rejected by the other. They may feel they have already lost one parent and fear losing the other.
- C Do not argue over visits. This can cause the children to feel guilt, or can be used by them to play one parent against the other.
- C If one parent remarries or begins a new relationship, the children will adjust more easily if the other parent accepts it.

In front of the children, the parents should always show respect for one another.

SHOULD WE SEEK COUNSELLING?

To ask for help is not a sign of weakness. It is a sign of strength and courage. People who seek help are better able to solve their problems. Counsellors provide guidance and direction to help people find their own solutions.

Advice from friends and relatives may not always be good advice. These people may not be professionals and have usually already sided with one of the parents. Professional counsellors can give you a better understanding of what is happening to you and your children and reassure you that your reactions and feelings are normal. With this knowledge, you can better deal with your concerns, issues and problems.

Family Law Support Services may be able to refer you to individual, couple and family counselling. Workers there can also refer you to education seminars, mediation services and other services to meet your children's needs.

FAMILY LAW SUPPORT SERVICES

Family Law Support Services is a branch of the provincial government's justice department that helps people involved in family law matters by providing services such as:

- C information about family law issues and dispute resolution options;
- C parent education and information seminars;
- C custody and access reports for use by the court;
- C supervised access/exchange services; and
- C Child Support Guidelines information.

Public Education and Information

C Brochures and Web site

A brochure called *Custody and Access Assessments and Supervised Access/Exchange Services* provides detailed information on these services. People going through divorce can also find more information about Family Law Support Services on the Saskatchewan Justice Web site: www.saskjustice.gov.sk.ca

C Self-Help Kits

Self-help kits are available to help people who want to handle their own divorce or other family law matter, such as variation of maintenance of existing court orders. The kits contain forms and instructions and are available through Queen's Bench Court Offices.

C Education and Information Seminars

Seminars are available for parents going through separation and divorce.

The seminars provide information about family law matters including the court process, mediation and other ways to help families make decisions. They also provide information about parenting matters such as the effects of separation and divorce on children. The sessions are voluntary, and separating couples do not attend the same session. Lawyers are encouraged to refer their clients to the sessions.

For more information, call 787-9416 in Regina or 1-888-218-2822 (toll-free).

Child Support Guidelines

Family Law Support Services can provide information on the federal government's Child Support Guidelines, which were proclaimed into law May 1, 1997, to change the manner in which child support amounts are determined under the *Divorce Act*.

The guidelines consist of a set of rules and tables for calculating the amount of support that a paying parent should contribute toward his or her children, taking into account three main factors:

- C level of income;
- C number of children; and
- C province or territory of residence.

Saskatchewan also introduced amendments to *The Family Maintenance Act* on May 1, 1997. These changes allow the federal Child Support Guidelines to be applied to other situations or relationships that produced children and resulted in separation and a maintenance order under provincial legislation.

The guidelines replace the case-by-case method of determining child support with a process that provides consistent, predictable and equitable awards.

For more information about the Child Support Guidelines or to inquire about free public information sessions in the province, call 787-9905 in Regina or 1-888-218-2822 (toll-free).

Information is also available from the federal government. Call 1-888-373-2222 (toll-free) or visit their Web site: www.canada.justice.gc.ca

The Law Society of Saskatchewan, with the support of Saskatchewan Justice, has created a referral service to match people who have questions about the guidelines with lawyers. The cost of legal services is negotiable, but the first half hour of the consultation will not be more than \$25. Call 1-800-667-9886 (toll-free) or 359-1767 in Regina.

F E E S

There is no charge for the services and programs provided to families through Family Law Support Services, with the following exceptions.

- There is a charge for the divorce self help kit. There is no charge for kits for the variation of maintenance of existing court orders.
- A judge may order parties to pay for a custody and access assessment in special circumstances.

L E G A L S E R V I C E S

Family Law Support Services does not provide lawyers or legal services. It is recommended that all parties involved in family law matters consult with a lawyer, either privately, through the Saskatchewan Legal Aid Commission (1-800-667-3764) or through the Lawyer Referral Service (1-800-667-9886).

An information booklet prepared by the Public Legal Education Association and Saskatchewan Justice Family Law Support Services. Funding was provided by the Department of Justice of Canada.

For more information, call Family Law Support Services at 1-888-218-2822 (toll-free).

In Regina, call 787-9416.

In Saskatoon, call 933-5930.

Visit the Saskatchewan Justice Web site at

“www.saskjustice.gov.sk.ca”

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