

*Alimony and Maintenance*

Mr. Shifrin goes on:

The underlying problem is that most ex-husbands remarry, and few earn enough to support two families.

That leaves the first family dependent on a woman's earnings. And these, on average, are only 60 per cent of what men make.

He said that the Law Reform Commission estimated that three-quarters of the men who should be making maintenance payments are in default. We talked before about the high incidence of the divorce rate which is rising.

Mr. Shifrin concludes by saying:

The new reality is arriving rapidly. The 1981 census reports that in the preceding five years the number of single-parent families increased at more than three times the rate of the two-parent version.

What lies ahead may well prove grim. But, if so, it will be because, like dinosaurs, we fail to adjust to the new reality.

● (1720)

We know that when poor families are broken in half, they become even poorer. Both partners have a limited income to cover two households, sometimes with children. Unemployment and illness also make it difficult for people to keep up maintenance payments. It is important that we support this Bill as one step in the right direction, but we must not forget that a much more comprehensive social policy is needed to ensure adequate incomes for families. We have talked about this a number of times in this House. This Party is doing intensive research in an attempt to find a solution to the whole question of tax reform as it affects families and how we can gradually replace the regressive child tax deductions with increased Family Allowance payments. That would certainly be one solution.

We must begin again to establish a guaranteed income system. It is more important than ever before, as we look at the full technological revolution and the fact that many people will not be fully employed as they may have been in the past. Family law requires comprehensive reform.

This Bill has particular relevance to the very urgent and dangerous situation facing battered wives. I again refer to the Standing Committee on Health, Welfare and Social Affairs and the study, of which we are all aware, which shows that one out of ten wives in Canada today is battered. Most of these women remain in deplorable situations because they have no other means of support, nowhere to go, no refuge for themselves and their children. They know that it is very unlikely that they would receive maintenance payments and support from their husbands. In fact, they may feel too intimidated to return to the situation. However, if they knew they could receive regular maintenance payments through the income tax system, they might feel less trapped. In fact, I am sure they would feel they had more choice. Undoubtedly they would take the difficult step of leaving in the interests of their own physical and emotional health, and in particular the welfare of their children if they could be assured of adequate support after they left the violent family situation.

I refer Hon. Members to a report presented to the standing committee by the Canadian Advisory Council on the Status of Women, prepared by Debra Lewis. It reads:

On top of this, the economic reality means that battered women, who must for their own safety leave their marriages, must choose between a life of fear and one of absolute or relative poverty for themselves and their children. There is no need for us to once again cite the evidence to show that women who are alone are significantly more likely to live below the poverty line. Even women who may manage a somewhat higher standard of living for themselves still know that it may be considerably less than if they stayed in their marriages. Most women are prepared to take the consequences of this decision for themselves. However, it is much more difficult to decide that their children too must go without comforts or even necessities in order to escape the violence. The fact that husbands in general do not generally comply with child support or maintenance payments certainly makes this economic reality worse—

Homelessness is an extension of the fact that battered women do not have adequate financial resources at their disposal. The National Council of Welfare report "Women and Poverty" demonstrated clearly that almost half of single parent families headed by women live below the poverty line. Separated and divorced women in general seldom receive adequate child support and maintenance payments. Enforcement mechanisms for even court-ordered maintenance and support are generally non-existent.

In referring this matter to the Justice Committee, I hope that the Committee will look at the report from the Standing Committee with regard to the situation of battered wives. I suggest that they look at two recommendations, in particular having to do with the jurisdiction of federally appointed judges over family matters.

Recommendation No. 15 states that a recent decision of the Supreme Court of Canada has called in question the right of provincially-appointed family court judges to issue civil orders designed to exclude a spouse from the family home or prevent him from harming his family. We hope the Committee will look at this recommendation which is directly related to federal court jurisdiction.

Recommendation No. 17 states that, in light of the decision of the Supreme Court of Canada referred to in recommendation 15, the proposed federal-provincial conference should also address the problem of establishing a validly constituted civil court which is able to issue orders affecting the possession of the family home and prevent a man from harming his wife, at least as quickly and with as little cost to the wife as provincial courts do now.

In closing I wish to say that the NDP supports this Bill. We do not see it as a final solution. We would like to take a very comprehensive look at the whole question of support for separated families, particularly those with children, and income support generally. We ask that some of the recommendations in the study on battered wives be considered by the Justice Committee at the same time because they are related. The situation in Canada is very serious. The number of single-parent families is increasing. Under the present system, there is absolutely no way of enforcing regular maintenance, particularly for women with children. Again, we commend the Hon. Member for introducing this Bill in the interests of the children of Canada.

[*Translation*]

**Mr. Roy MacLaren (Etobicoke North):** Mr. Speaker, first of all, I should like to offer my warmest thanks to my distinguished colleague from Montreal-Mercier (Mrs. Hervieux-Payette) for the interesting piece of legislation she has put before the House today. Indeed, it is with great satisfaction