Divorce Act

The situation not only drastically affects ex-wives, but the children of the broken marriages as well. Fifty per cent of divorcing couples have children and in spite of the media attention to increasing custody awards to fathers, which I think is important, the wife still gets custody 85 per cent of the time.

Census figures show that single parent families are the fastest growing family type in our society. The view of husband, wife, picket fence, house and tow children is not reality. I would like us to remember that when we are developing social policy.

In the period from 1971 to 1981 there was a 50 per cent increase in the number of single parent families. Add to this the fact that from two-thirds to 75 per cent of fathers are in default of their support payments and the serious consequences this had on family life becomes then apparent.

What all this means, Mr. Speaker, is that the marked reduction in a custodial mother's income has potentially negative psycho-social effects on the children. A sharp decline in their mothers' standard of living often forces residential changes, moves; changes in their schools and in their teachers, and changes in the neighbourhood and their friendship circle. When the discrepancy between the children and the fathers' income and lifestyle become so different, children tend to feel angry and resentful and to share their mothers' feelings of deprivation and injustice. This does not set the stage for a happy home environment nor to future productive citizens.

● (1640)

When support and maintenance orders are not obeyed, and when unemployment rates are high, many of these families become dependent upon the welfare system. They are not welfare bums; I would like that to be quite clear. This situation means that the federal and provincial Governments are presently sharing a budget line—that is the CAP line—of $1 billion annually. It could be the big bankruptcy of the year. The cost recovery which could be found in this particular cost item in a budget where we could save big dollars is vital and could protect our human capital.

I am upset today that the Government has not seen fit to address the concerns of fathers across the country who have limited access to their children. Groups such as Fathers for Equality in Divorce, Fathers Fighting Back and the Association des hommes séparés ou divorcés de Montréal, which brought in the thousands of petitions that I read into the record today, are concerned over their lack of contact with their children. With custody being awarded 85 per cent of the time to mothers, for men, their contact with their children is accorded most often only every second weekend. When this limited access is denied, there is an impact upon the lives of the children. This is very painful not only for the fathers but for the children of the marriages who need the love and support of both parents in their lives.

We have recommended that maximum contact—that is called "access" in the formalized Bill—between the child of the marriage and the non-custodial spouse be made with a

mechanism to ensure that it is respected. Several proposals were made to the Standing Committee on Justice and Legal Affairs regarding mediation. The Minister mentioned the research which they are doing on mediation, the support they have given toward it and the fact that they have published a list of mediation facilities, yet the Bill does not provide for mediation. It is my hope that we will not have to wait too long for mediation to become part of divorce legislation.

A growing body of research indicates the benefits of mediating disputes which arise on divorce rather than litigating them. Canadian and American research conducted to date indicates benefits for the spouses of increased satisfaction over the outcome of their divorce, reduced costs and increased adherence to the mediated agreements. Also they indicate that mediated agreements are more likely to result in arrangements for shared parenting or at least for broader access in comparison with judgments awarded by the courts.

On this last point, the number of days of access awarded to non-custodial parents was almost twice as high for mediated as opposed to litigated or negotiated settlements. Mediated settlements average 9.2 days per month whereas litigated or negotiated settlements average 5.6 days per month for access.

My Party is concerned about the criteria the courts will be using in determining support orders. Undue hardship must not result, so it is vital that the Bill reflect all appropriate circumstances which might be used in making the judgment to award a support order.

I know there was not great receptivity on the part of certain members of Government to looking at what they perceived as my shopping list. My list was not a shopping list; my list was a guide, a guideline or a check-list which indicated some of the areas that should be considered.

Ms. McDonald: Mr. Speaker, I rise on a point of order. It is quite correct that the Hon. Member has unlimited time, but there is an agreement that we will dispose of this Bill today. There are other speakers who wish to speak and, if she takes unlimited time, no one else will have the opportunity to speak.

The Acting Speaker (Mr. Nicholson): Your point is noted, but that is not a point of order.

Mr. de Corneille: Mr. Speaker, I rise on a point of order. I should like to point out for the record that this is a time during which a speaker may give an unlimited time reply to a Bill that is of very great importance to a large percentage of the population. In view of a Minister's statement today, we will carry on for a longer period of time. I am quite sure Hon. Members of the New Democratic Party as well as those of the Government will have opportunities to speak.

Mrs. Finestone: Mr. Speaker, I understand the Hon. Member's concern, and I promise that I will not be much more than a few more minutes.

When I said that I had presented a check-list, it was not an exclusive list; it was to be a guideline and there were other criteria as the court saw fit. However, I am still determined