

believe that the person granted sole care and control will manifest unwillingness to comply in whole or in substantial part with such an order, the court may order that the parent granted sole care and control submit to the court a plan describing how maximum contact is to be arranged.

(b) the plan referred to in paragraph (a) is to be in a form determined by a competent authority pursuant to section 25."

She said: Mr. Speaker, what I have recommended for consideration is to add to Clause 16 after line 44 on page 13 an additional consideration which I feel is of great importance in the consideration of custody as provided by this Bill. Where one parent has been granted the sole custody of a child and has not been respectful of custody orders, great turmoil and difficulty exists for the children of the marriage. There is enough difficulty and turmoil involved in parental conflict and divorce proceedings already. I think it only makes it much more stressful for the child if one parent is absent, and particularly if that parent is absent not of his own free will but because there has been mischief on the part of the custodial parent who has not allowed access of the parent who has been given that right under the laws of the land by a court decision.

My amendment reads as follows:

Where one person is granted sole care and control of the child(ren) of the marriage under this section and manifests an unwillingness to comply in whole or in substantial part with the terms of an order respecting maximum contact with the child made under this section, or where reasonable grounds to believe that the person granted sole care and control will manifest unwillingness to comply in whole or in substantial part with such an order, the court may order that the parent granted sole care and control submit to the court a plan describing how maximum contact is to be arranged.

It would seem to me that it is only logical that, if we are to have a human and just approach to this, we must be respectful of the rights of the accessing parent and the children to see each other following a marriage breakdown.

As the Equality Committee travelled across the land heard from the Fathers of Equality, Fathers Fighting Back and *L'Association des hommes séparés ou divorcés de Montréal*. All these organizations made submissions to the Equality Committee indicating that fathers are frequently denied access to their children. Just recently there were a number of demonstrations on Parliament Hill. We have received petitions regarding this matter, and a young man has been fasting and has subsequently been joined in his fast by other men across the country.

On January 15 I made a statement, pursuant to Standing Order 22, regarding the sad case of Ricardo DiDone and his son, and the fact that there are those who are trying to remove his legal right to see the child and to remove his name from the child. I find this to be absolutely unacceptable. This is only one example of why it is important that a proper plan of action be deposited with a court, in order to show goodwill and respect for the accessing parent's rights on the part of the custodial parent. This kind of plan should be deposited with the court where there has been wilful lack of observance of a particular order of the court.

As we all know, many parents default on maintenance or support payments. Perhaps this is because many men are not given access to their children, or because the courts have awarded access to them on the most restrictive of options. In

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the particular instance of which I am thinking, this kind of access allows a father to see his child every second Christmas, every second Easter and once each summer. That is not sufficient. Often a father is only allowed to see his children every second weekend. That is not sufficient either. People who become Big Brothers or Big Sisters in Canada undertake to have four hours' of contact per week with the children for whom they are going to be substitute parents. Here we have willing parents who wish to have access to their children but for nefarious reasons are being blocked. This amendment would see to it that if there is a complaint brought by the accessing spouse to the court, the custodial spouse must submit to the court a plan of contact outlining how the court order will be respected.

We know that 85 per cent of custody awards made by Canadian courts are in favour of the female parent. I would suggest that this is a form of systemic discrimination against me. This fosters feelings of injustice and creates the high level of payment delinquency, almost 60 per cent on the part of divorced fathers. How can we expect fathers to pay much attention to their children if they are being blocked consistently over a long period of time? I think it is about time we added to this particular Bill a clause which will allow the accessing parent the right to visit with his child, and will provide, where he is not allowed to do so, a means to correct the situation. I believe this amendment will speak to that problem and will fill the gap that exists in the present Bill.

**Mr. Svend J. Robinson (Burnaby):** Mr. Speaker, I am pleased to rise to speak in support of the amendment put forward by the Hon. Member for Mount Royal (Mrs. Finestone) in Motion No. 28.

As the Hon. Member indicated, in its deliberations on these three divorce Bills, the Justice Committee as well as the Subcommittee of the Justice Committee on Equality Rights heard extensive evidence from those fathers who felt that following their divorces they were being denied full access to their children. They wanted to continue to be able to play a role in the upbringing of their children and they felt that they were being denied that right through a variety of means. A variety of proposals were put forward in committee and indeed in the House as a means of resolving that concern. We also heard from women who indicated that in many circumstances, they wished fathers would play a greater role in the ongoing custody of children. We heard from people with a variety of perspectives.

As I understand it, the purpose of this amendment is to ensure that in those circumstances in which one parent is granted sole custody of the child or children of the marriage and that parent seems to be unreasonable in affording access or seems to be unprepared to comply with the terms of the access order, the individual can be ordered by the court to submit a plan describing how maximum contact is to be arranged.