

## Appendix A: List of Key Proposed Changes

### Chapter 1: Guardianship, Parenting Arrangements and Contact

- Allow the existing guardians of a child to appoint a non-parent to also be a guardian of the child by written agreement.
- Authorize a person to be appointed as the guardian of a child on a temporary basis by either court order or through the agreement of all the existing guardians of the child.
- Add authority for the issuing of a document that will verify that a person is a guardian of a child.
- Clarify that parents who do not live with their child's other parents or are unable to live with their child immediately after their birth are nonetheless guardians of their child.

### Chapter 2: Relocation

- Require parties to establish that there has been “substantial compliance” with an existing parenting time agreement or order that grants them the majority of parenting time in order to obtain the benefit of a presumption in favour of relocation.
- Change the phrase “do not have substantially equal parenting time” to having the “vast majority” of parenting time as the standard for whether a guardian becomes entitled to a presumption in favor of relocation.
- Remove the requirement that an applicant seeking to relocate a child must establish that the relocation application is made in “good faith”.
- Create a template to assist people in giving notice of a relocation under the FLA that requires including information similar to the information required in the [Divorce Act](#) form, such as:
  - the expected date of relocation
  - the name of the proposed relocation location;
  - the proposed location's address if available or known;
  - new contact information of the person or child relocating, if available;
  - a proposal regarding parenting arrangements including how proposed parenting time or contact may be exercised;
  - the name of the relocating person and any other relocating child of the parties; and
  - the relocating person's current address and contact information.

## Chapter 3: Child-Centred Decision Making

- Add the following two new factors that must be considered when determining the best interests of a child in family law decisions:
  - the child’s cultural, linguistic, religious and spiritual upbringing and heritage; and
  - the needs of a child with disabilities.
- Add a separate list of factors the court must consider when determining the best interests of an Indigenous child in making family law decisions under [Part 4](#), in addition to the factors already set out in the FLA.
- Make the following amendments to emphasize the importance of considering a child’s views in family law decisions that affect them:
  - require the views of a child to be considered in all family law decisions in which the best interests of the child are determinative under Part 4 of the FLA.
  - explicitly allow the views of a child to be obtained and considered not only in court proceedings but in any family dispute resolution process including during mediation or other consensual dispute resolution.
  - allow the court to consider a child’s preferences for how they share their views, as well as whatever support they need to share their views.
- Remove restrictions on the test to appoint a children’s lawyer under the FLA to allow for them to be appointed in more cases when it is in the child’s best interests.
- Add a provision allowing an Indigenous child to have a person from their community advocate for them in family law matters, such as an Elder, Matriarch, or other respected person chosen by the community.

## Chapter 4: Assessments and Reports

- Specify the following three different types of reports the court can order or parties can request to obtain the views of a child and assessing parenting in family law matters and add criteria that a court must consider when deciding whether to order a report or which type of report to order:
  - Views of the Child Report
  - Focused Evaluative Report
  - Full Evaluative Report
- Clarify that a report may be obtained either by court order, or by agreement between the parties.
- Authorize the creation of regulations that establish mandatory qualifications for report writers, including training and experience requirements.

- Allow the court to consider a report or evidence about the views of an Indigenous child or parenting assessments from an appropriate person who has knowledge of and experience with an Indigenous family's community, culture, customs and traditions.
- Establish a requirement for a report writer to consult with a person or people designated by an Indigenous Nation to which the family belongs during the assessments and report writing process to ensure the process aligns with the Nation's customs, traditions and practices, if requested by the family.

## **Chapter 5: Protection from Family Violence**

- Update the definition of family violence to directly reference coercive and controlling behaviour, technology-facilitated violence, financial abuse and litigation abuse.
- Extend FLA protection orders to relationships that have been excluded from eligibility.
- Add additional risk factors that the court must consider when determining whether a protection order is needed.
- Expand the list of terms and conditions that may be included in a protection order.
- Extend default length of protection orders from 1 to 2 years from the date the order is made.
- Introduce a presumption in favour of making a subsequent protection order upon application, unless there is evidence no risk exists.
- Emphasize in the parenting arrangements provisions that the court must consider what arrangements are needed to ensure their safety if a party, the child or another family member is at risk of family violence.

## **Chapter 6: Parentage**

- Align parentage provisions for children conceived using sexual intercourse with provisions for children conceived using assisted reproduction (other than surrogacy).
- Recognize the parentage of a person whose child was conceived after their death (posthumously) in circumstances where the deceased intended to be and consented to be a parent but has no genetic link to the child.
- Allow sperm donation by sexual intercourse as long as there is a pre-conception agreement that says the parties do not intend the donor to be a parent.
- Gendered language will be replaced with inclusive terms that accurately describe particular roles in conception, birth and parenting.

## **Chapter 7: Indigenous Cultural Property**

- Add Indigenous cultural property to the list of “excluded property” under the Act and identify a further sub-set of Indigenous cultural property that is never divided.
- Add any Indigenous financial settlement as a separate category of excluded property under the Act.