



IS SHARED CUSTODY IN THE BEST INTERESTS OF YOUR CHILD?

For the majority of parents who are in the process of a separation or divorce, custody of their children is often their primary concern. How can their children's time be managed best so that they can spend as much of this precious commodity with their children?

Nowadays, many parents share childrearing tasks and activities. Consequently, when their relationship breaks down, they routinely consider the option of shared custody so they can continue being involved in their children's lives on a regular basis.

The key benefit of this type of custody is undoubtedly the opportunity for the children to spend as much time as possible with each parent. In return, the children are required to shuttle from one home to another and to adapt to two often differing lifestyles. For some children, this causes more adjustment problems than for others.

If shared custody is being considered, it is important to note that the courts have established several criteria for assessing the appropriateness of this type of arrangement:

- the child's age;
- the parental capacity of each parent;
- the availability of the parents;
- the educational, moral and spiritual values of each parent's lifestyle;
- stability;
- the ability of the parents to communicate and the absence of significant disagreements between them;
- the proximity of the parents' residences;
- the absence of parental alienation syndrome;
- acknowledgement of the importance of contact between the child and each parent; and
- the child's wishes (depending on the child's age).

If the parents are unable to agree on custody, the court, guided by these criteria, will have to determine what is in the best interests of the child.

Therefore, in any custody determination process, as difficult as it may be for the parents, they should always be guided solely by the best interests of their child when deciding the type of custody that is best suited to the child's situation.

** This text was originally written by M^c Karen Inkel. It was revised by M^c Caroline Aubin and the Commission des services juridiques.

Text prepared by
M^c Caroline Aubin**,
Lawyer at
the Chicoutimi
legal aid office

Contact Us

Commission des
services juridiques
Communications Department
2 Complexe Desjardins
East Tower
Suite 1404
P.O. Box 123
Succursale Desjardins
Montreal, Québec
H5B 1B3

Telephone: (514) 873-3562
Fax: (514) 873-7046

www.csj.qc.ca

* The information set out in this document is not a legal interpretation.

The masculine gender is used to designate persons solely in order to simplify the text.