

STATEMENT OF CONCERN FROM ALBERTA'S CHILD AND YOUTH ADVOCATE

The Office of the Child and Youth Advocate (OCYA) has observed a concerning trend regarding the well-being of children whose families are involved in high-conflict custody disputes. Over the past five years, we have received over 1,000 phone calls related to this issue, with a 13 percent increase in inquiries in 2019–2020.¹ A number of these requests came directly from young people asking for help navigating custody and access matters because their needs were not being met.

The Alberta Child and Youth Advocate has the ability to provide advice to the Government of Alberta with respect to any matter relating to the rights, interests and well-being of children. I am concerned for young people whose parents are involved in high-conflict custody and access matters. I am releasing this statement of concern so that community professionals and decision-makers are able to ensure young people's needs are at the forefront, their voices are heard, and they are adequately supported.

HOW WIDESPREAD IS THIS ISSUE?

Family breakdown is one of the most difficult circumstances young people can experience.² Yet, during one of the most challenging times in their lives, children are often left with inadequate support. In Canada, approximately 38 percent of marriages end in divorce,³ and Alberta has one of the highest divorce rates in the country.⁴ The impact of family restructuring on young people varies from family to family. What is important is how parents respond to their children's emotional needs and how they minimize their children's exposure to conflict.⁵

1 There was an increase in overall calls to the Office of the Child and Youth Advocate in the 2019–2020 year.

2 Anderson (2014)

3 O'Nions (2018)

4 Government of Canada (2015)

5 Anderson (2014)

When parents separate, it can be exceptionally difficult for children. This is particularly true when there is disagreement over where children will live, or how much access each parent will have to them. In these circumstances, as tensions and conflict rise, the voices of young people can be drowned out, and their well-being and needs are all too often overlooked.

IMPACTS OF FAMILY RESTRUCTURING

When families break apart, many people first turn to the courts for help. The family court is set up in a way that equal access to the system and services is beyond reach for many Albertans.⁶ The adversarial nature of a court process itself does not always enable or support healthy ongoing relationships and communication between family members.⁷ Young people may be exposed to family conflict and violence in several ways, and over time, it is common that their relationship with one or both parents is damaged.⁸ At times, families can become involved with child welfare or policing agencies. Children can feel caught in the middle when one parent tries to increase their chances of obtaining a more favourable outcome through the courts.

Studies on brain development confirm that unresolved conflict can significantly impact children's healthy development. Adverse childhood experiences can weaken the foundation of a child's brain⁹ and have been linked to negative health outcomes that carry into adulthood. Parents involved in high-conflict separations may be less responsive to their children's needs, which can lead to poor academic achievement, substance use, difficulties in relationships, and mental health concerns.¹⁰

PROVIDING APPROPRIATE SUPPORTS FOR YOUNG PEOPLE

Conflict is “the single most detrimental factor for children whose parents have separated.”¹¹ Timely, appropriate services to help families resolve conflict before they reach a crisis point, and earlier intervention with parents who may be experiencing distress

6 Birnbaum et al. (2013)

7 Information gathered through stakeholder consultations.

8 Trussler (2008)

9 Alberta Health Services (2018)

10 Boyd (2015)

11 Trussler (2008)

about separation, are imperative. To reduce the negative impact of conflict, Albertans need consistent resources, which includes timely access to support, information and education. Solution-focused services that address conflict can help families avoid lengthy court processes and ultimately lead to better outcomes for children and families.

There are initiatives in Alberta that support families involved in high-conflict separation, help them navigate services, and improve access to legal services. These resources work to resolve the underlying causes of conflict and try to help families come to an agreement before they turn to, or continue with, legal processes. These supports, however, are not widely available.

If young people are in a situation where their parents are actively involved in family court processes, it is essential they have the necessary support to ensure their safety and well-being. In court proceedings, they should have timely access to therapeutic supports and other interventions as needed. Access to these services should be readily available, provided by professionals specially trained to work with young people, and not depend on ability to pay. The viewpoints and opinions of young people must be heard and seriously considered by decision-makers.

A PATH FORWARD

Supporting young people as their parents separate can be complicated and difficult. Although these circumstances are managed through legal systems, when families restructure, the majority of their needs are not legal in nature. Families often require support to meet their immediate needs. As family restructuring is an ongoing process that evolves as children develop, it does not end with a court decision.

Access to resources at the earliest stages of family breakdown relies on educating and creating open communication and partnerships between government, community stakeholders and professionals. Professionals need the tools and training to support young people who are experiencing high-conflict custody and access issues. Organizations and experts should be involved so services are well designed to increase successful restructuring for families, and these services must be accessible to all who need them.

In these high-stress situations, we must do all we can to protect Alberta's young people from the negative consequences of family breakdown. The Ministry of Justice and Solicitor General, in collaboration with child-serving ministries, should mobilize an ongoing information/education campaign to raise awareness of how children are impacted by

high-conflict custody and access disputes. Resolution services must be accessible to all Albertans and ensure that young peoples' voices and needs are at the forefront during family restructuring.

The role of my office is to stand up for young people. Our mandate is to elevate their voices and raise their concerns, so they succeed in their lives and communities. It is hoped that this statement of concern moves government in a direction to assist families going through stressful, high-conflict situations and ultimately support healthy development and well-being of these young people now and in the future.

I am calling on the Government of Alberta, with leadership from the Ministry of Justice and Solicitor General and support from child-serving ministries, to take action to ensure that formal and informal supports are readily available to families in high-conflict custody disputes. Timely action can lead to earlier solutions, keep children's best interests at the forefront and minimize the negative impacts on children and families across the province.

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