That matter of custody

Continued from page C4

deserted the family, stayed away for months or years, and then showed up to take the child away.

The situation is different under the new law. When one parent agrees that the child should be left with the other parent (or just allows the other parent to keep the child), that parent loses the right of custody for the time being. He or she can only regain the right to custody through a separation agreement or by getting a court order that he or she is to have custody. Unless there is a court order or separation agreement that says otherwise, the only parent with the right *to custody is the parent* with whom the child lives.

Another change in the law is that the right to access has now been clarified. Just because a parent loses the right to custody doesn't mean he or she has lost the right to access. The right to access includes the right to visit with and be visited by the child and the right to be given information about the health, education and welfare of the child. The parent who does not have custody automatically has the right to access unless a court order says otherwise.

The Children's Law Reform Amendment Act also includes some new rules that will make it more difficult for a parent to kidnap a child from the parent who has custody, go to another province or country, and get a court order there for custody of the child. The new Act allows a court to refuse to take jurisdiction over a child, and to refuse to deal with an application for custody, if a parent has abducted the child from another jurisdiction.

This will apply to every province in Canada and to all countries which have signed the Hague Convention on International Child Abduction.

The new law does not mean that parents can't decide for themselves who will get custody and who will get access, if they can agree on those issues. Parents may still decide custody and access through a separation agreement or another contract between them. Parents may also go to court if they can't agree on custody and access, or if they want to change an agreement later.

There are various types of custody arrangements that may be established by an agreement between the parents or by a court order. These include:

1. Sole custody to one parent with access to the other.
2. Joint custody with care and control to one parent and access to the other – this means that although both parents have a form of "paper" custody, only one parent actually has control of the child while the other has access and visitation rights. Both parents have the right to make decisions about the child's education and upbringing.
3. True joint custody – this is a rare form of custody in which both parents alternately take care and control of the child. An example of this type of arrangement is a situation in which the child lives approximately half the time with one parent and half the time with the other parent.

In order for true joint custody to work the parents' homes should be within the same general area so that the child can enjoy the stability of going to only one school and having one set of friends and companions. This kind of custody is usually possible only when the parents can agree and cooperate. A court would not impose this form of custody on parents who cannot cooperate with one another.

When the parents cannot agree who should have custody, they may go to court for a custody order. The court will make a decision based on the best interests of the child. The court must consider all the needs and circumstances of the child including love, affection, and emotional ties between the child and any person claiming custody, the child's family relationship, and who has been taking care of the child.

The court will also consider the child's opinion, when it can find out what the child's opinion is. What this boils down to is that the court will try to decide which parent can provide the child with the best, most loving, and most stable home, and where the child will feel most comfortable.

The conduct of the parents towards each other is not an important issue in deciding custody. For example, the fact that one spouse has committed adultery will not disentitle that spouse to custody. The fact that one spouse has deserted the other does not by itself mean that spouse is not a good parent.

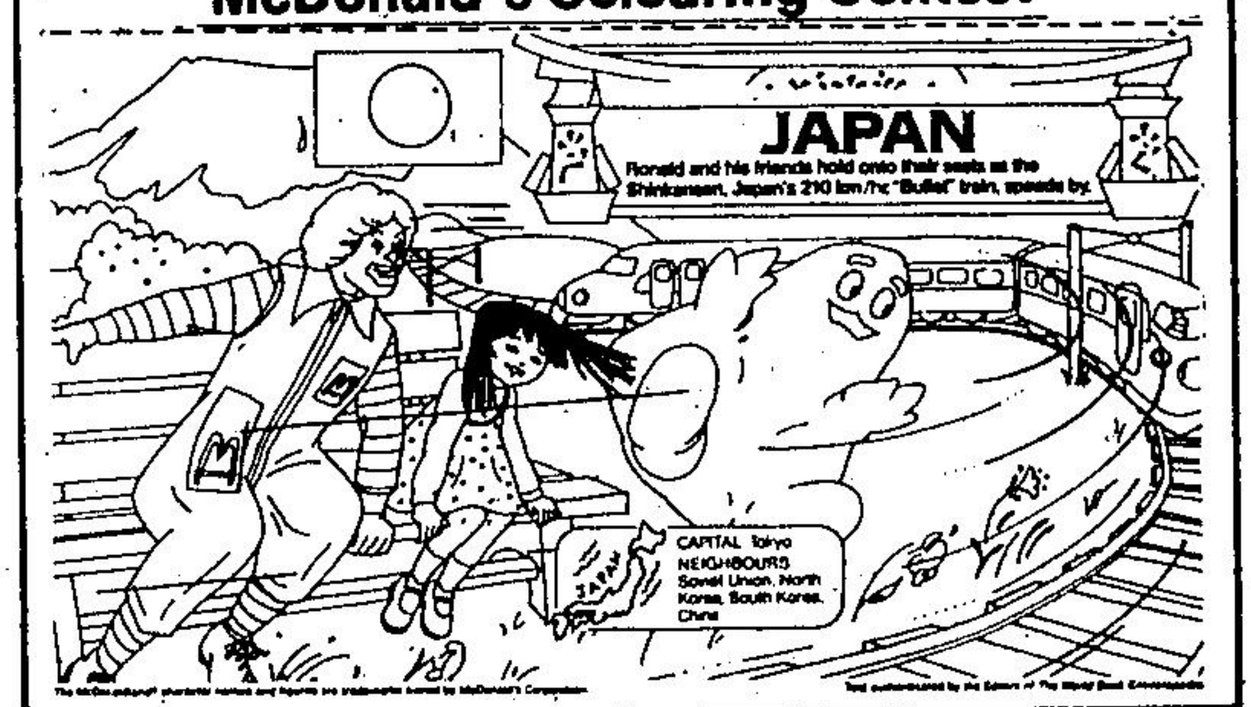
Nor do the spouses' sexual preferences necessarily make a difference. For example, where one spouse is living with someone else in a homosexual or a heterosexual relationship, that spouse will still get custody if his or her home is simply a better place for the child to be.

Formal assessment of the parenting abilities of mothers and fathers are now offered in order to assist the court in deciding who should obtain custody and who should obtain access. Normally these are applied for by one of the solicitors at the beginning of the trial and agreed upon between the parties and the judge. Assessments may be ordered by a judge even if one or both parents object.

A recent development in the law is that courts will sometimes appoint a lawyer to speak on behalf of a child. The lawyer's duty is to represent the child's wishes and interests for consideration by the court.

The information in this article is accurate as of November 1982. For more information on this and other topics contact COMMUNITY LEGAL EDUCATION ONTARIO, 62 Noble Street, Toronto, Ontario, M6K 2C9. For legal advice contact your local lawyer or the Halton Hills Community Legal Aid Clinic at 5 Wesleyan St., 877-5256.

McDonald's Colouring Contest



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MICHELLE JORDAN 253 McDonald Blvd. Acton

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DEATHS

LAWSON, John David (Jack)—On Sunday, December 26, 1982 at Georgetown & District Memorial Hospital. Jack Lawson of RR4 Acton, beloved husband of Kathleen Lyons and dear father of Carol. Rested at the McClure-Jones Funeral Home. Funeral service was held Wed. afternoon at Knox Presbyterian Church. Interment Limehouse Cemetery. In memory contributions to a charity of your choice would be appreciated. 38051dn

HAZELL, Victor—Quietly in his sleep at Guelph, Monday, December 27th, 1982. Dear husband of the late Marjorie Hazell, dear father of Irene (Mrs. Bob Hore) of Guelph, Doreen (Mrs. Art Wood) of Victoria, Barbara (Mrs. Garnet Fisher) of Georgetown, Lionel of Ottawa, Ed of Brampton, Harvey of Tullamore, Doug of Debert, Nova Scotia and the late Arnold and Bill. Survived by 19 grandchildren and sister Betty (Mrs. Lou Turner) of Toronto. Rested at the Leo Archdekin Funeral Home, 269 Main Street North (Highway 10), Brampton. Service was held Thursday, December 30th, 1982 at 2 p.m. Interment Hillcrest Cemetery. 38140n1

JORISSEN, Anna Marie—On Saturday January 1, 1983 at Milton District Hospital. Anna Marie Vantiam in her 76th year, formerly of Georgetown. Wife of Peter Jorissen of Gorrie & dear mother of Nellie Maryntssen, Andy, Jeanette DeWinter, Marie Miller and the late Audrey, Joanne Doupagne & Elizabeth Jorissen. Loved grandmother of 9 grandchildren. Rested at McClure-Jones Funeral Home, till Monday morning. Christian burial mass was held at Holy Cross church. Interment Forest Lawn Cemetery, Orangeville. 38341dn

SABO, Suzanna—On Wed. December 29, 1982 at Georgetown & District Memorial Hospital. Suranna Sabo wife of the late George Sabo formerly of St. Laurent, Quebec, loved mother of Julius, Steve, Jerry, Helen, George & Susan. Sister of Mrs. Mary Saraj. Rested at the Deslauriers Funeral Home, St. laurent, Quebec. Where funeral service was held. Interment Montreal Memorial Park Cemetery. In lieu of flowers contributions to the Canadian Cancer Society would be appreciated. 3826dn1

EARLE, Janet — Suddenly at Georgetown Hospital Friday, December 17th in her 87th year, wife of the late H. Roy Earle, mother of Janet Main, Roy (Bud), Ruth Crozier, Betty Codlin, Doris McLaughlin, Alice Sellors, Barbara Bettridge, Douglas, Fred, Rosemary Wilson, and Catherine Kirby. Remembered by 51 grandchildren and 34 great grandchildren. If desired donations can be made in her memory to Georgetown and District Memorial Hospital or any worthy cause. Donations to the hospital should be identified as in memory of Janet Earle. 3802-ON-1

LYONS, Mary Dorothy R.N.—On Tuesday, December 21st, 1982 at the Mississauga General Hospital. Mary Lyons of Erin Mills Lodge, Mississauga formerly of Milton and Erin. Sister of the late Wilhelmine (Mrs. James Eccles), George Mercer and Frederick Lyons. Loved aunt of Jim Eccles, Georgina Dolson, Jean Kirkwood and Nora Winterflood in Ontario and Frederick, Edward and Murray Lyons and Norah Edwards in Alberta. Rested at the McClure-Jones Funeral Home, where funeral service was held Thursday afternoon. Interment Greenwood Cemetery. 3751dn1

THIS WEEK'S PUZZLE ANSWER

DEATHS

BEENEY, Edgar (First Canadian division World War I)—with deep regret the family announces the passing on Sunday, January 2, 1983 at Georgetown & District Memorial Hospital of Edgar Beeney, RR1 Georgetown. In his 91st year, beloved husband of Marie Sartel, dear father of Edgar, Mary Curley, Susie McKillip, Paul, Robert, Bill, Margret Carney, George, Allen, Teresa Cook, and Tom. Loved grandfather of 39 grandchildren & 31 great grandchildren. Dear brother of Robert Beeney & Josie Paton. Rested at McClure-Jones Funeral Home, 34 Edith St. until Tuesday morning where Christmas burial mass was held at Holy Cross Church. Interment Greenwood Cemetery. In memory contributions to Georgetown & District Memorial Hospital Foundation, would be appreciated. 38331dn

MEMORIAMS

HERRINGTON — In loving memory of a dear mother Lola who passed away Dec. 28, 1967 and a dear father Orbey who passed away June 30, 1964.
A little corner in our hearts,
Is set aside for you.
As long as life and memories last,
We will remember you.
— Always remembered by Dolores and Norm. 38915m1

In loving memory of a dear husband & father, grandfather & great grandfather, Alfred W. Allen, who passed away January 5th, 1980.
Resting where no shadows fall
In peaceful sleep he waits us all
God will link the broken chain
When one by one we meet again
— Ever remembered by his wife Mary, son & daughter Gordon & Eileen and their families. 38301m

—In loving memory of our dear Mother, Martha Massey, who passed away Dec. 30, 1980.
Mom, two years ago you left us.
To be with Dad forever.
But you left behind
Tender loving memories
Of a wonderful Mother,
Grandmother and Great-Grandmother.
— Sadly missed and forever in our hearts.
— Joe, Jean, Evelyn, Sister-in-law Eve and families.

CARDS OF THANKS

THANKS to the Town of Halton Hills, especially Bill Smiley and his crew for the fast action when a tree fell on our house, also Murray McMullen, Ray Roberts and Bill Armstrong for their help and Joyce Smith for looking after the family.
— Tom and Pat Politi & family 3817cofi50

BIRTHS

SYKES, Phil & Besty are pleased to announce the arrival of their son — Philip Brett on Dec. 24, 1982 at 2:44 p.m. At Georgetown & District Memorial Hospital, weighing 9 pounds, 6½ ounces. A brother for Jaime & Brooke. Special thanks to Doctors Kumar & Landry. 38061-ba

On Dec. 27th, 1982 Shawn & Brooke were pleased to receive a late Christmas gift. Kimberley Ann wiehging 5 pounds, 12 ounces. Proud parents are John & Debbie. Fourth grandchild for Jim & Barb Dunn and sixth grandchild for Bruce & Marion Linsay. 38321ba

BIRTHS

SYKES, Catherine Brooke Eileen joined our family at 10:45 a.m. on Oct. 27, 1980 at Georgetown & District Memorial Hospital. Mom Betsy & Dad Phil and sister Jamie welcomed her with big hugs. 38041ba

SCHAEFER, Randy and Marjorie are happy to announce the birth of their third daughter, Catherine Ashley, born December 21st, 1982. Proud grandparents are Mr. & Mrs. George Schaefer of Fonthill and Mrs. Elizabeth Clow of Niagara Falls. Special thanks to Dr. Zenk and the O.B. Staff of Georgetown and District Memorial Hospital. 3816bat

STOREY — Norm and Cindy (nee Rea) are happy to announce the arrival of their first child, a girl, Julie Anne born in Georgetown and District Memorial Hospital on Wednesday, December 22, 1982. Proud grandparents are Gordon and Marylin Rea of Georgetown and Elmer and Dorothy Storey of Erin. 3766ba52

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