

Tip Sheet: Differentiated approaches to parenting arrangements after family violence^{1,2}

Each family is unique, and there is not a one-size-fits-all model for parenting arrangements, especially for family violence cases. Parenting arrangements after separation always need to be tailored to address the needs of the children, the abilities of the parents, and their ability to parent together. Family violence allegations and findings require special considerations to address the best interests of the children and ensure the safety of children and victimized parents.

The diagram below outlines a framework to approach parenting arrangements in cases where there are family violence issues. At one end of the continuum, there are cases where there is no doubt that a parent has perpetrated a pattern of abusive coercive controlling behaviour over time, with little remorse or investment in treatment; in these cases, that parent should have either no parenting or limited supervised parenting by highly trained professional staff. At the other end of the continuum, there is an isolated incident of spousal abuse that is out of character, accompanied by genuine remorse, no ongoing fear or trauma, and evidence of a current ability to respect and value the contribution of the other parent; in this case, a co-parenting arrangement may be appropriate. In between these extremes, there are multiple possibilities for matching parenting arrangements to families.

Multiple factors need to be considered, such as the nature and severity of the family violence and the impact on parents and children. A critical consideration is the resources available to support and protect victims and offer remediation and supervision for abusers. The stage of proceedings and available information to professionals and the court are also important. For example, the situation at the time of separation, which is often a time of particular risk and vulnerability for family violence, may be very different from the situation at the time of a possible trial a year or more after separation. At the time of trial, there may be much more information available from multiple professionals and a post-separation pattern of behaviour to consider.

Co-parenting

Co-parenting refers to an arrangement in which separated parents cooperate relatively closely in all aspects of raising their children. This arrangement may often roughly approximate the pre-separation pattern of care for the children, with both parents actively involved in the lives of their children, sharing care and information, and cooperatively problem-solving the normal challenges of parenting as they arise. Co-parenting requires two parents who can maintain a civil and child-focused relationship post-separation. There should be mutual trust and respect that allows for constructive communication between parents. Co-parenting is contra-indicated by continuing family violence, including concerns about continuing effects of coercive controlling behaviour on victims.

Parallel parenting

Parallel parenting describes an arrangement where each parent is significantly involved in the children's lives, but the arrangement is structured to minimize contact between the parents. Each parent makes day-to-day

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decisions independently of each other when the children are in their care, and responsibility for major decisions, like education, is allocated to one parent. Parallel parenting is generally only appropriate for children if, despite their conflicts, the parents have fundamentally similar ideas and expectations about parenting and child-rearing. Whether a parallel parenting arrangement might be appropriate in the aftermath of violence towards children, or an adult partner generally requires a careful assessment by a professional with a background in family violence cases. Factors critical to this determination include whether the perpetrator of the violence has taken responsibility and successfully completed an intervention; whether the children have received services and are experiencing ongoing symptoms of trauma or distress; and the developmental stage of the children. A clinical finding of ongoing risk to children or the other parent clearly contra-indicates a parallel parenting arrangement.

Primary residence parenting

Primary Residence Parenting is somewhat analogous to what occurred before the 2021 *Divorce Act* reforms when one parent had custody of the children, and the other parent had a limited access schedule. Primary residence parenting arrangements place the child primarily in the care of one parent while the other parent has a more limited role. This recognizes that there are limitations to the ability of the other parent to make positive contributions to the child, possibly due to ongoing concerns about that parent's use of coercive control, an inability to prioritize the child's needs over their acrimony toward the primary parent, or serious concerns about their parenting capacity, mental health, or substance use. A primary residence parenting arrangement assumes that there are no safety concerns that would require supervision for exchanges or supervision of the parenting time. It also assumes that the parenting time is not being used to undermine the primary residence parent. This type of arrangement may work best when the family violence by one parent has been acknowledged, there is an intervention plan in place to address the past conduct and its impact, and safety concerns are adequately addressed.

Supervised exchange

Supervised Exchange involves transferring children from the care of one parent to the other under the supervision of a third party. The supervision can be informal, for example, by a family member, neighbour, or volunteer, or by using a public venue for the exchange, such as the parking lot of a fast-food restaurant or, if necessary, a police station. The supervision can also be formalized through the use of a designated professional, such as a childcare worker, social worker, or agency. The history of family violence in these cases raises enough concern to keep the victim parent away from the abusive partner, but the children are deemed not to be at risk.

Supervised parenting time

Supervised Parenting Time is an arrangement designed to promote safe contact with a parent who presents as a risk due to a range of behaviour, from physical or emotional abuse to possible abduction of the child. It may also be appropriate when a child has fears of a parent, for example, because of having witnessed the parent perpetrate abuse or having been personally abused by that parent, but still wants to maintain a relationship. Supervised parenting time should only be undertaken if it is believed that a child will benefit from a parent maintaining an ongoing role in the child's life. Like supervised exchanges, supervised parenting time may vary in formality from extended family or volunteers to a specialized centre with professional staff with expertise in these issues. Related to this is the use of therapeutic supervised parenting time, where a mental health professional is involved in trying to improve a troubled parent-child relationship through counselling and support during this parenting time. Supervised parenting time should normally be a short-term solution to concerns about child safety, though in some cases, it may continue for years where these concerns are ongoing, but the child continues to enjoy seeing the parent.

No contact or suspended parenting time

No Contact or Suspended Parenting Time is appropriate when a parent presents an ongoing risk of violence to the child or other parent, including emotional abuse to the child or threats of abduction. In these cases, the court may be required to suspend all parenting on a short or long-term basis.

Parenting arrangements after family violence as a function of history of violence, resources available, and timing of disclosure

The diagram below outlines the factors to consider in developing the most appropriate parenting arrangement based on the nature and severity of the family violence, the resources available to address the issues presented by the victim, abuser, and children, as well as the stage of the proceedings in the decision-making process. The possible parenting arrangements are shown on the far right in descending order of level of risk to children or to the parent who has been victimized by family violence. Co-parenting at the top would be consistent with a minimal or no history of family violence, and no contact at the bottom would be the opposite extreme for a case with a parent presenting as high risk. The other factors to consider in this framework – severity of family violence, resources available and stage of the proceedings - are all factors that must be considered as part of the level of risk of harm to children and parents. The orange factors at the bottom of each bar would raise concern about the level of risk.

Figure 1: Parenting arrangements after family violence as a function of history of violence, resources available and timing of disclosure

