

# STANDARDIZED CLAUSES FOR PARENTING ORDERS

**NOTE: These clauses provide examples of wording that can be used for some common family law applications. This is not a complete list of every order the court can make. The clauses may need to be adapted to suit your specific application.**

## **PARENTAGE**

1. Pursuant to section 68 of *The Children's Law Act, 2020*, [name] is granted leave to obtain blood or other genetic tests of [name] and the child/ren [full names and birth dates] respecting the [parentage, paternity/maternity] of [name of child/ren] and to submit the results in evidence.

2. The cost of testing for parentage will be paid as follows: [specify].

3. Pursuant to section 64 of *The Children's Law Act, 2020*, [full name], born [date of birth] in [place of birth] is declared to be the parent of the child/ren, [full name(s) and birth date(s)].

## **PERSONS OF SUFFICIENT INTEREST**

1. [Name] is/are a person[s] of sufficient interest with respect to the child/ren [full names and birthdates] pursuant to section 8 of *The Children's Law Act, 2020*.

2. [Name] is/are granted leave to apply for a contact order with the child/ren of the marriage, [full names and birth dates] pursuant to section 16.1 of the *Divorce Act*.

## **PARENTING EDUCATION PROGRAMS: *The King's Bench Act***

Pursuant to section 8-1 of *The King's Bench Act*, each of the parties shall attend the parenting education program by [date].

## **ALLOCATION OF DECISION-MAKING RESPONSIBILITY**

### **Sole Decision-Making Responsibility Options**

1. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], [full name] shall have sole decision-making responsibility for the children, [full name(s) and date(s) of birth]. [Name of other parent] shall have the right to information regarding health, education and other major matters affecting the child/ren's health or development.

2. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], [full name] shall have sole decision-making responsibility of the child/ren [full names and dates of birth]. [Name of other parent] shall have a right to information and a right to be consulted by [name] regarding the health, education and other major matters affecting the

child/ren's upbringing or development. [Name] shall take the views of [name] into account in making final decisions related to the child/ren.

3. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], [full name] shall have sole decision-making responsibility for the child/ren [full names and birth dates] and [full name] shall have sole decision-making responsibility for the remaining child/ren [full names and birth dates].

### **Joint Legal Decision-Making Responsibility Options**

1. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], [full names] shall have joint decision-making responsibility for all major decisions respecting the education, health and other matters [specify others if necessary] affecting the child/ren, [full name(s) and birth date(s)].

2. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], responsibility for decisions related to the child/ren [full name(s) and birth date(s)] shall be divided between the parties. [Full name] shall be responsible for decisions regarding [e.g., education] and [full name] shall be responsible for decisions regarding [e.g., health]. [Examples of areas of responsibility include:]

- a. Children's place of residence
- b. Children's education
- c. Children's extracurricular school activities
- d. Children's cultural upbringing
- e. Children's religion or spiritual upbringing
- f. Consent to health-related treatment for the children including medical, dental, optical or therapeutic treatment of any kind
- g. Consent of a parent or guardian where otherwise required
- h. Deal with any legal proceedings relating to the child other than child custody/ decision-making responsibility, parenting time or support
- i. Appoint a person to act on behalf of the parent in an emergency situation or when the parent is temporarily absent

3. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], the parties shall have joint decision-making responsibility for the child/ren, [full names and birth dates] and shall consult with each other and endeavor to agree upon all major questions respecting the education, health and other matters affecting the child. In the event of disagreement, [name] shall have the right to make the final decision.

4. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], the parties shall have joint decision-making responsibility for the child/ren [full names and birth dates] and shall consult with each other upon all major questions affecting the child. In the event of disagreement, [name] shall make the decision and [name], if dissatisfied, may apply to the court for a review of the decision.

## ALLOCATION OF RESIDENCE, PARENTING TIME AND CONTACT

### Shared Residence or Parenting Time

1. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], the child/ren shall reside with both parties who shall share parenting time with the child/ren [full names and birth dates] as follows:

Examples: alternating every 4/7 days, with exchanges at 5 pm, commencing on [date] with [name] parenting the children OR alternating on a week on, one week off basis from [time, day] to [time] the following [day] commencing on [date] with [name] parenting the children.

2. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], the child/ren [full names and birth dates] shall remain living in the family home located at [address] until further order or written agreement of the parties. [Name] and [name] shall have alternating weeks of exclusive possession of the family home, with change-overs to occur at [for example, 12 pm each Saturday]. Each party shall ensure that the family home is left in a clean and orderly state before vacating the home.

3. The parties shall share parenting time with the child/ren [full names and birth dates] as follows: [specify]

### Primary Residence

1. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], the primary residence of the child/ren [full names and birth dates] shall be with [name].

2. Pursuant to [section 8(1) of *The Children's Law Act, 2020* OR section 16 of the *Divorce Act*], the primary residence of the child/ren [full names and birth dates] shall be with [name] and the primary residence of the child/ren [full names and birth dates] shall be with [name].

### Parenting Time Options

*Note: "Contact" is the term used to describe visits between a child and someone other than a parent, such as a grandparent, ordered pursuant to the Divorce Act. Time children spend with a parent is always referred to as "parenting time."*

1. Pursuant to [section 8(1) of *The Children's Law Act, 2020* or section 16 of the *Divorce Act*], [name] shall have parenting time with the children [full names and birth dates] as follows:

Examples: every second weekend from [eg Friday at 5 pm] to [Sunday at 5 pm], commencing [date]; or every [eg. Tuesday and Thursday evenings from 6 pm to 7 am the following morning], and/or every second weekend [from 6 pm on Friday to 6 pm on Sunday].

2.[Name] shall have no parenting time with] the child/ren [full names and birth dates] until further order of the court.

3.Pursuant to [section 8(1) of *The Children’s Law Act, 2020* OR section 16 of the *Divorce Act*], [full name] shall have reasonable parenting time with the child/ren [full name(s) and birth date(s)] with reasonable notice to [name] [OR upon [x hours] notice to [name].

4. Pursuant to [section 8(1) of *The Children’s Law Act, 2020* OR section 16.1 of the *Divorce Act*], [full name] shall have reasonable parenting time [or contact] with the child/ren [full names and birth dates] upon reasonable notice but parenting time [or contact] shall include at a minimum the following times: [specify]

5.Because of the ages of the child/ren [full names and birth dates]and/or the lapse of time since [name] last had contact with them, the first [#] visits between [name] and the child/ren will be daytime visits only between [times] on [specify day] of each alternating weekend commencing [date] until [date or further court order].

6. Parenting time by [name] with the child/ren [full names and birth dates] shall be subject to the following conditions: [see section below on *Conditions on Parenting Time and Contact*].

### **Parenting Time on Vacations and Holidays: Options**

1. The regular parenting schedule shall be suspended during Christmas, Easter, February, and summer school holidays.

2. The parties shall share school and summer holidays equally between them, as they may agree. If no agreement is reached by [date] of any given year, either party may apply to this court for a determination upon 10 days’ notice to the other.

### **Specified Summer Holidays:**

1. [Name] shall have contact or parenting time during the summer school holidays as follows:

Examples: Every alternating week in July and August of each year commencing.. OR Two weeks in either July or August each year. [Name] shall provide [name] with notice of their desired dates no later than [date]. Or [Name] shall have his/her/their first choice in even-numbered years and [name] shall have their first choice in odd-numbered years. Or Two periods of two weeks in July and two weeks in August, with [name] to designate the first two weeks, and [name] the second two weeks by [date] in each year.

**Specified Christmas Holidays. Easter, the February break and Thanksgiving, May weekend Options:**

1. [Name] shall have parenting time with the child/ren during the first half of the Christmas and Easter school vacations and the February school break, in [year] and in odd-numbered years thereafter. [Name] shall have parenting time during the second half of the Christmas and Easter school vacations, and the February school break, in [year] and in even-numbered years thereafter. The Christmas break will commence at [time] on the children's last day of school and the exchange shall take place at [time] on December [date]. The Easter break will commence at [time] of the children's last day of school and the exchange shall take place at [time] on the [day] of the break. The February school break shall begin at [time] of [day] and the exchange shall take place at [time] of the [day] of the break.
2. [Name] shall have parenting time with the child/ren on the Thanksgiving and May long weekend holidays in even-numbered years and [name] in odd-numbered years.

**Birthdays and Father's Day or Mother's Day;**

1. [Name] shall have parenting time with the child/ren on their birthday and on Father's Day from [times].
2. [Name] shall have parenting time with the child/ren on their birthday and on Mother's Day from [times].
3. On the child/ren's next birthday in [year], [name] shall have parenting time with the child and in each even/odd-numbered year thereafter. In [year], [name] shall have parenting time and in each even/odd numbered year thereafter.

**Telephone Access or Parenting Time**

1. [Name] has the right to telephone the child [full name and birth date]: At reasonable times or
  - At reasonable times which shall include a minimum of [specify]
  - At the following times [specify]OR  
[Name] shall have no telephone contact with the child [full name and birth date] until further court order.

**Parenting Exchange Options**

1. For all parenting exchanges, [name] shall be responsible for dropping off the child/ren at the residence of [name] at the start of their parenting time and [name] shall be responsible for dropping off the child/ren at the residence of [name] at the end of their parenting time.

2. For all parenting exchanges [name] shall be responsible for picking up the child/ren from the residence of [name] at the start of their parenting time and [name] shall be responsible for picking up the child/ren from the residence of [name] at the end of their parenting time.
3. [Name] shall pick the child/ren up at their school at 3:30 pm and shall be responsible for transportation both ways for weekday contact or parenting time while the parties shall continue to share transportation duties for weekend and holiday contact or parenting time.
4. Parenting exchanges shall be carried out by the parents of [name], or by another person designated by [name], who will pick up and drop off the child/ren at the residence of [name], until otherwise agreed by the parties in writing or until further order of this court.
5. [Name] shall pick the child/ren up and drop them off in front of the home of [name] OR at [describe the location]. [Name] is to remain in their vehicle and [name] to remain in their home [or in their vehicle as well].
6. [Name] is not to be present when the child/ren are being picked up or dropped off.
7. The child/ren will bring clothing, toiletries and personal effects as they wish which will be returned at the end of the weekend visit.
8. Each parent will send a notebook with the child in which they will convey to the other parent any pertinent information about the children's welfare. For example, if the child is ill or on medication, or if there are other pressing reasons why a parent should be reasonably informed of the child's state of health, either emotionally or physically, it will be noted in the book, and any medications will travel with the child. The notebook is not to be used as a means of maligning either parent and is not to be viewed by the children at any time.
9. There shall be no communication between the parties during the exchanges.
10. Pursuant to section 41(1)(b) of *The Children's Law Act, 2020* the contact or parenting time exchange for the child/ren [full names and birth dates] shall be supervised by the Supervised Parenting Time/Exchange Program [or by name of an individual].

## **CONDITIONS ON PARENTING TIME AND CONTACT**

### **General:**

1. Parenting time may be altered by agreement in writing between the parties including email.
2. If either party is unable to care for the child/ren during their regularly scheduled parenting time, they shall seek the assistance of the other party before leaving the child/ren with a third party.

3. The parties will consent to reasonable travel outside Saskatchewan as needed. When vacationing with the child/ren, each party shall provide the other with contact information, departure and return dates. The other party will sign all necessary documents such as permission letters sufficient for airline travel or border crossings and shall not unreasonably withhold the child/ren's passports when requested. The party taking the vacation shall obtain adequate health insurance coverage for the child/ren while outside Canada. The party taking the vacation shall also encourage reasonable contact between the child/ren and the other party by way of telephone communication and emails during the vacation.

#### **Attendance at Extra-Curricular Activities:**

1. [Name] shall ensure that the child/ren attend any extra-curricular activities they are involved in including [specify] during their parenting time or contact.

2. Each party shall advise the other of extra-curricular activities that occur while the child/ren are in their care. Either party may attend such activities.

3. [Name] is not to attend at the extra-curricular activities of the children while they are in the care of [name].

#### **Change of Residence or Removal from Saskatchewan**

1. Pursuant to section 13 of *The Children's Law Act, 2020* [Name] shall notify [name] in writing of an intended change in the place of residence of the child/ren [full names and birth dates] [at least 60] days before the change and shall specify in the notice the time at which the change will be made and the new place of residence of the child/ren.

2. Pursuant to section 40 of *The Children's Law Act, 2020* neither party shall remove the child from [the city or municipality of name or the province of Saskatchewan or the country of Canada] without the written consent of the other or further court order.

3. Pursuant to section 40 of *The Children's Law Act, 2020*, [Name] shall return the child/ren [full names and birth dates] to Saskatchewan [and/or to the care of name] [immediately or by a specific date and time].

#### **Conduct**

1. [Name] shall not consume alcohol or use any non-medicinal drugs 24 hours prior to or during parenting time.

2. The parties shall refrain from discussion of any legal or personal issues such as matters involving decision-making responsibility, parenting time, contact, child support, the parties' relationship or other legal proceedings in [the child/ren's] presence.

3. Both parties shall not speak negatively to or about the other in the presence of [the child/ren].

[other conditions may include a ban on cigarette smoking, providing the child with medication at specific hours, etc.]

### **Supervised Parenting Time and Contact**

1. Pursuant to section 8 or section 41(1)(b) of *The Children's Law Act, 2020*, parenting time with [name] shall be supervised by Family Justice Services in [city] and shall be specified by [date].

2. Pursuant to section 8 or section 41(1)(b) of *The Children's Law Act, 2020*, or section 16.1(8) of *the Divorce Act*, parenting time with [name] shall be supervised by [name of individual supervisor] commencing [date].

### **Attendance at Counselling:**

1. Parenting time or contact shall be conditional on [name] obtaining counseling from [name] at least [times] per [week or month] in relation to [specify the issue]. [Name] shall provide written confirmation from [name of counselor] of having received such counseling to [name] on or before [specify day] of each [week or month].

2. Pursuant to section 13-7 of *The King's Bench Act*, the proceeding is adjourned until [date] so that [name] may obtain counseling from [name].

### **VARIATION ORDERS, *The Children's Law Act, 2020*, s.8(4); *Divorce Act*, s. 17(1)**

Pursuant to [section 8(4) of *The Children's Law Act, 2020* or section 17(1) of the *Divorce Act*, and having established a material change in circumstances affecting the child/ren [full names and birth dates] since the order of the Honourable [name] of the Court of King's Bench in Saskatchewan dated [date], the order providing that [specify] is varied to provide that [specify].

## **RELATED PROCEDURAL MATTERS**

### **Parenting Assessment**

1. Pursuant to section 13-8 of *The King's Bench Act*, a parenting assessment with respect to the child/ren [full names and birth dates] shall be undertaken by [Family Justice Services or private assessor].

2. The parties shall cooperate fully in the preparation of this assessment and shall attend and cause the child/ren [full names and birth dates] to attend, where and as requested by [name] for the purposes of the assessment.

3. The costs of the parenting assessment shall be paid as follows: [specify]

4. An expedited pre-trial conference to determine whether a parenting assessment is warranted shall be held on [date - within 30 days].

### **Voice of Children Reports**

1. Pursuant to section 13-8 of *The King's Bench Act*, a Voices of the Children Report shall be prepared by [Family Justice Services or private assessor] in relation to the child/ren [full names and birth dates].
2. Neither party shall discuss the Voices of the Children report process with the child/ren.

### **Dispute Resolution:**

Pursuant to section 18 of *The Children's Law Act, 2020* and King's Bench Rule 15-73, the parties shall attend a mediation session with [name of mediator] at a date and place to be set by [name of mediator]. The parties shall mediate the issue of [specify issue eg. decision-making responsibility, residency and parenting time]. [Name] shall pay [\$] or [%] of the mediator's fees and expenses of in the sum of [\$ amount] and [name] shall pay [\$ amount] or (specify %). A fixed portion of these fees must be paid by each party by a date set by [name of mediator]. [The mediator] shall report the outcome of the mediation to the Court in writing by [date]. The application is adjourned to [date]. The names, addresses and phone numbers of the following are: [set out names etc. of the parties, the mediator and their lawyers].

## **ENFORCEMENT**

### **Prevention of harassment and interference:**

1. Pursuant to section 38 of *The Children's Law Act, 2020* [and/or section 13-11 of *The King's Bench Act*] [full name] shall not molest, annoy, harass, communicate with or otherwise interfere with [name] and the child/ren [full names and birth dates] in the lawful care of [name of other party] until further order. For that purpose, [name] shall not attend at or within [specify eg. 6 city blocks or 200 metres] of the following:

- the residence of [name] located at [address],
- the place of employment or business of [name] at [address] and
- the daycare/school of the child/ren at [address] until further order of the court.

2. Communication between the parties shall occur only as between their respective lawyers OR using Family Wizard or similar app.

[In cases involving domestic violence, more extensive relief is available under *The Victims of Domestic Violence Act*, sections 3(3)(e) for Emergency Intervention Orders and s. 7(1) for Victim's Assistance Orders, see *Procedural Issues and Enforcement*.]

## **Recovery of child/ren wrongfully taken or withheld:**

1. Pursuant to section 39(1) of *The Children's Law Act, 2020* a peace officer, including an officer of the [name] Police force, shall accompany [name] to the residence of [name] at [civic address]. If [name] refuses to deliver the child/ren [full name(s) and date of birth] up to [name], the peace officer shall apprehend and deliver the child/ren to [name] for the purpose of giving effect to their [parenting time or custody] rights. For the purpose of enforcing this Order, the peace officer may enter and search any place where s/he has reasonable grounds to believe the child may be and when found shall apprehend and deliver the child/ren to [name].

2. Pursuant to section 39(1) of *The Children's Law Act, 2020* [full name] shall immediately turn over to [name] the custody of the child/ren [full names and birth dates] and any peace officer, including an officer of the [name] police force, shall locate, apprehend and deliver the child/ren to [name] for the purpose of giving effect to their rights to [parenting time or custody]. For the purpose of enforcing this Order, the police officer shall be authorized to enter and search any place where s/he has reasonable grounds to believe the child/ren may be. [Name] shall further advise the peace officer of the whereabouts of the child/ren.

3. Pursuant to section 41(1)(a) of *The Children's Law Act, 2020* and as a result of the wrongful denial of parenting time with the child/ren [full names and birth dates], [name] shall have compensatory parenting time with the child/ren from [dates].

4. Pursuant to section 41(2)(e) of *The Children's Law Act, 2020* [name] shall provide their address and telephone number to [name] in order to facilitate parenting time or contact to the child/ren [full names and birth dates] by [name].

**Measures to prevent the removal of child/ren:**

1. Pursuant to section 40(2)(a) of *The Children’s Law Act, 2020* [name] shall transfer [\$ or specified property] to [name of trustee] to prevent the child/ren [full names and birth dates] from being removed from Saskatchewan [or to secure their prompt safe return to Saskatchewan]. [Set out terms and conditions.]
2. Pursuant to section 40(2)(b) of *The Children’s Law Act, 2020* [name] shall as of [date] and until further order make maintenance payments for the child/ren [full names and birth dates] to [specified trustee] to prevent [name] from removing the child/ren from Saskatchewan [or to secure their prompt safe return to Saskatchewan].
3. Pursuant to section 40(2)(c) of *The Children’s Law Act, 2020* [name] shall post a bond payable to [name] in the sum of [\$] to prevent the child/ren [full names and birth dates] from being removed by [name] from Saskatchewan or to secure their prompt safe return to Saskatchewan by [name].
4. Pursuant to section 40(2), [name] shall deliver the passport of [name] and the passports and travelling documents of the child/ren [full names and birth dates] to [ the court or a person specified] to prevent the children from being removed from Saskatchewan by [name] or to secure their prompt safe return to Saskatchewan by [name].
5. Pursuant to section 41(2)(b) of *The Children’s Law Act, 2020* [name] shall give security [specify] for the performance of their obligation to return the child/ren [full names and birth dates] to [name] as required by the parenting order.
6. Pursuant to section 42 of *The Children’s Law Act, 2020* [name] shall pay to [name] on or before [date] the following costs incurred [or to be incurred] in enforcing their rights to [parenting time or contact] with respect to the child/ren [full names and birth dates]: [set out sums of travel costs, cost of locating and returning child, lost wages, legal fees].

**Contempt:**

Pursuant to section 44 of *The Children’s Law Act, 2020* [name] is declared to be in contempt of court by reason of their willful violation of the Order of the Honourable Justice [name] pronounced [date]].