



# LUDMERLAW

## ***PRECEDENT LANGUAGE FOR RECONCILIATION THERAPY AND PARENTAL COVENANTS TO SUPPORT PROCESS***

### ***Therapy Provisions***

1. The parties shall immediately engage with a reconciliation therapist, to be selected by the Applicant father, for the purpose of family reconciliation therapy. The selected therapist shall be referred to as the “Family Therapist”.
2. The parties shall retain the services of the Family Therapist as a family reconciliation therapist and shall sign her retainer contract on a timely basis. Subject to Court approval, neither party may terminate such services. Both parents shall use their parental authority to compel the Child’s attendance and good faith participation until the services are completed.
3. The parties shall equally pay the Family Therapist’s accounts on a timely basis to ensure continuity of service and fund whatever retainer the Family Therapist requires on a timely basis. Until the matrimonial home is sold and the Respondent is advanced a share of the net proceeds of sale, the Family Therapist shall be funded by the Applicant father and he shall, forthwith upon the Respondent receiving a distribution of part of the proceeds of sale, be reimbursed by the Respondent mother for his advances of her half share of therapy fees in the interim.
4. The individual therapy being conducted by [current therapist] or any other therapist for the Child shall be suspended. If it is continued with the consent of the Applicant father, it shall be subservient to, and supportive of, the family reconciliation therapy to be conducted by the Family Therapist and it shall be fully supportive of and informed by, all of the Court Orders and Endorsements in the case. In the event that the Family Therapist determines that the messaging Child receives, or the effect of the individual therapy, is impeding progress in the family reconciliation therapy, such individual therapy shall be conformed

to the needs of the family therapy or the individual therapy shall be terminated. Any dispute shall be returned to Court for resolution of the issues.

5. The parties and the Child shall engage fully in the process of family reconciliation therapy in good faith, with urgency, and with a view to its successful reconciliation of healthy and involved family relations and a healthy family structure, and in that regard follow the directions of the Family Therapist on a timely basis.
6. The parties and the Child shall attend all therapy sessions and other events/ sessions as directed by the Family Therapist on a timely basis.
7. The parties and the Child shall engage in the family reconciliation process on the basis that they are prepared to surrender past narratives and focus on a healthy basis for future relations and shall not use the family therapy process for purposes of airing or debating past grievances. The Family Therapist shall be responsible for guiding the process with a future-focus informed by past difficulties.
8. The Family Therapist shall have the ability to convene meetings of counsel for the parties and/or write interim reports to the parties/counsel as she determines in her discretion.
9. The Family Therapist shall have the ability to directly initiate a Court case management meeting, by requesting same through counsel to the parties, in the event that she determines that she needs further direction, powers or advice to the parties and the Child or if she determines that her process is being frustrated or impaired by the actions or inaction of any party or the Child.
10. The Family Therapist shall, subject to her own professional rules and best practices, have the ability to manage, direct and set processes for her therapy or, if required, terminate her services and write a report for the Court.
11. In the event of any issues or complaints or concerns raised by a parent as to the conduct of the reconciliation therapy process, the Family Therapist shall have the right to convene meetings of counsel to resolve the matter outside of the therapeutic process itself and to make determinations as to the conduct of her process. The family therapy process shall continue through such parallel discussions and any proceeding brought in Court related thereto.

### ***Parental Covenants***

12. The parties shall exercise their parental authority to ensure polite and compliant behaviour on the part of the Child towards his parents and pursuant to all applicable Court Orders at all times.
13. The parties shall cease all unhelpful narratives (as determined by the Family Therapist) and educate and cause the Child to immediately cease all such unhelpful narratives. In

particular, without limitation, the following narratives shall be prohibited on the basis of their impairing the family reconciliation process: **[NOTE: This list to be customized as needed]**

- a. Either parent is singularly or primarily the cause of the relationship break down
  - b. Either parent abandoned the Child
  - c. Either parent abused the Child
  - d. Either parent's presence at the Child's academic or extracurricular or social events or in the community is inappropriate
  - e. Either parent is mentally ill
  - f. Either parent is not capable of meeting the Child's needs
14. Neither parent shall make derogatory remarks about the other parent to the Child or within earshot of the Child, nor will either party discuss the litigation herein with the Child. For greater certainty, each parent shall refrain from speaking ill of the other parent, their respective partners, their families and their friends, at all times. The parents shall not share or discuss with the Child inter-parental communications or disputes, nor shall they permit anyone else (other than a therapist) to do so.
15. The following actions shall be prohibited on the basis that they are not in the best interests of the Child: **[NOTE: This list to be customized as needed]**
- a. involving the Child in adult matters
  - b. disparaging either parent to non-parties, including friends and parents of Child's friends
16. The parents shall exercise all required guidance, boundaries, incentives and consequences in their parenting of the Child to ensure compliance with the terms of all Court Orders concerning parenting time and therapy contact and the parties shall never accept any assertion by the Child that he does not, or will not, comply with the terms of such Court Orders.
17. The parents shall use the facilities of Our Family Wizard to the full extent of that service and log in and post information and respond to inquiries on a timely basis. Each parent is responsible for their own annual fee for use of such service. The parties shall use emotional tone regulators available through the service. In addition, neither party shall block the other from contacting them by text message or email or phone, with such alternative modes of communication restricted to urgent and/or time sensitive matters.
18. Each of the parents shall exert every effort to maintain free access to an unhampered contact between the Child and the other parent and to foster a feeling of affection between the Child and the other parent. Neither parent shall speak to, or in the presence of, the Child in a derogatory manner concerning the other parent, nor permit anyone else to do so. Neither parent shall do anything which would estrange the Child from the other; which

would injure the opinion of the Child as to their mother or father; or which would impair the natural development of the Child's love and response for each of the parents - this includes but is not limited to social media posts and any and all communications with the Child.

19. Specifically, each parent shall continue to communicate to, and foster in, the Child a concept of the other parent as (I) safe; (II) loving; (III) available; (IV) that each parent can make a substantial contribution to the upbringing of the Child; (V) that each parent is supportive of the Child's relationship with both parents; and (VI) that each parent is fully supportive of the terms of their agreed parenting arrangements herein as being in the best interests of the Child.
20. Any discussions between the parties, in the presence of the Child or otherwise, shall be civil and cordial in nature and free from any derogation, accusations, insults. If one party considers that the discussion is not courteous, both shall discontinue the conversation until both indicate they are comfortable resuming the same.
21. The parents shall not undermine, in any way, subtle or overt, the parenting of the other parent.
22. Neither party shall discuss with the Child, or with another party in the presence of the Child, present or past legal proceedings or issues between the parties related to present or past legal proceedings, including any outstanding property or financial issues relating to the parties or the Child, or regarding conflicts between the parties relating to parenting issues. The parents shall direct the Child to talk to their children's lawyer or their counsellor about any questions by any of the Child about the foregoing.
23. The Child shall not be used as a conduit for inter-parental communications.
24. Neither party shall leave out or accessible to the Child information or documents pertaining to any issue arising from the parties' separation (whether child or financial-related), and neither will permit the Child access to their personal email, computer files or personal documents where communications and documents regarding these matters are stored. Both parties shall ensure that the Child will not have access to information regarding the parties' separation and divorce by password-protecting any area of their personal computers, portable drives, and remote storage that hold such information.
25. Neither parent will involve the Child in financial disputes, including disputes over who is to pay for various matters for Child or who is to buy particular items for the Child. Relatedly, neither parent will express to, or in the presence of, the Child that the other person is "cheap" or refuses to make payments for which they are responsible, which are expected of them or which are requested of them.
26. Neither parent will disparage the other parent in the community generally or, in particular, to anyone who has direct or indirect involvement with the Child. Neither parent will

disparage the other or make any social media posting that could be construed by the Child of being derogatory with regards the other parent.

27. Neither parent shall do anything, directly or indirectly, which undermines the other's parental authority at their own home or which encourages the Child to defy such parental authority, including by departing from the Court Ordered parenting arrangements.
28. Neither parent will offer the Child incentives [activities, gifts or other incentives] which would have the effect of interfering with the parenting time of the other parent.
29. Neither parent will suggest, encourage, acquiesce in or permit the Child to record their interactions with the other parent or members of the other parent's household. Similarly, taking pictures of one parent to share with the other parent for purposes of a complaint or intervention at the other parent's house shall not be encouraged or permitted.
30. The Child shall be permitted to bring his belongings to and from each home, subject to reasonable parental limits and equitable treatment of both homes.
31. Neither parent will suggest to, or inform the Child of, events or experiences they are missing because they are with the other parent, in accordance with the current parenting plan.
32. Neither parent will instruct, suggest or "coach" the Child on what to say to evaluators, therapists or others who are retained to assist the family.
33. The Child shall be entitled to wear whatever clothing he chooses (within reason) on transitions between the homes and the parents will ensure such clothing is washed and returned to the household at which it was purchased in due course.
34. Both parents shall be entitled to take the Child to parent child counselling on their parenting time for the specific purpose of working on the parent child relationship. Any such counselling shall absolutely not be for the purpose of denigrating the other parent and shall not conflict with the goals or content of the family reconciliation therapy.
35. The Child shall not be exposed to further parental conflict or tension. All interactions in their presence will be civil and non-confrontational.
36. In the event the Child comes to one party to request permission to engage in a social, family or school-related activity, that party, if they will be the resident parent during the event or activity, shall make the decision and advise the Child. If the activity falls on the other party's parenting time, the party shall let the child/ren know that he/she will let the other parent know of the request and it will be that party's decision because the Child will be residing with that party then.

37. The parties shall not permit the Child access to their own electronic devices (or computer profile/accounts if a shared device) and shall ensure these are secure and password protected, with the passwords changed at regular intervals.
38. Neither party shall use any form of social media to post information about the other or regarding any disputes.
39. The parents shall be required to utilize all appropriate guidance and boundaries, incentives and consequences and escalate them on a timely basis, so as to require the Child to: (I) comply with the living arrangements and other parental contact prescribed by Court Order consistent with this Order; and (II) to require of the Child the healthy behaviour, and to offer Child the healthy environment contemplated below:

#### Children's Rights

- a. The Child has the right to love and express love, verbally and through hugs, to each of his parents equally, free from any feelings of disloyalty or upset of the other parent.
- b. The Child has the right to cherish and think highly of each of his parents and the right to be free from any disparagement, negative opinions or criticism of one parent by the other parent or by members of a parent's extended family and friends.
- c. The Child has the right to demonstrate affection to each of his parents in the presence of the other and in the presence of their respective extended families.
- d. The Child has the right to describe positively and with enthusiasm his life with one parent to the other parent and the right to expect that this expression will be received openly and warmly and encouraged.
- e. The Child has the right to not have to manage the feelings of a parent by demonstrating loyalty or conveying dislike of the other parent or parent's home.
- f. The Child has the right not to be exposed to any parental conflict.
- g. The Child has the right to be free from pressure or lobbying from his parents or extended families regarding their living arrangements between the two homes.

#### Children's Responsibilities

- a. The Child is responsible for dealing with each of his parents fairly,

respectfully and with love and affection.

- b. The Child should not seek to use one parent to intervene or overrule parenting decisions made at the other parent's house.
- c. The Child is responsible to respect the privacy of each of his parent's homes.
- d. If the Child is exposed to disparagement of one parent by the other or by their extended family, the Child has the responsibility to assert himself and ask that his right to think highly of both parents be respected.
- e. The Child is responsible for managing his own behavior in a manner which will support his rights and responsibilities and their parents' parenting plan.
- f. The Child has the responsibility to maintain a balanced, fair and independent attitude towards his parents and to not take sides on any issues with one parent against the other.