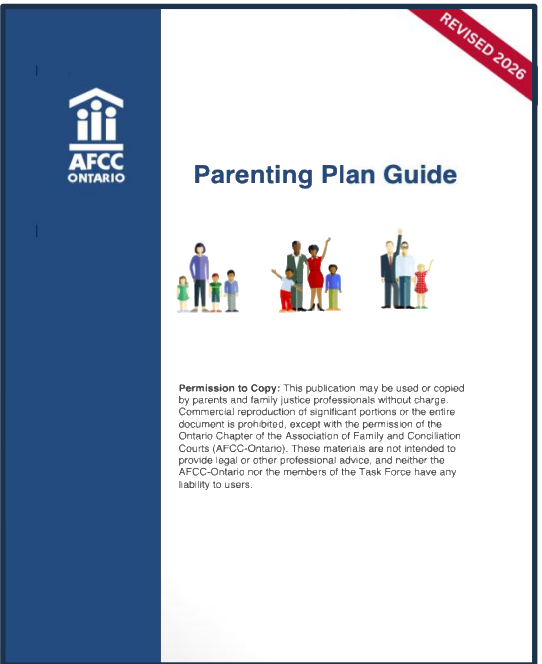
2026 Revision AFCC-Ontario Parenting Plan Guide

Professor Nicholas Bala,
Faculty of Law, Queen's University
bala@queensu.ca

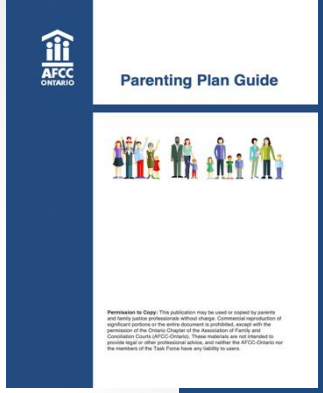


AFCC-Ontario Annual Conference
Toronto, Ontario
Oct. 23, 2026

AFCC-O Parenting Plan Guide & Template

- 2019 AFCC-O Board appointed multidisciplinary Task Force Chaired by Prof. Bala to prepare *Guide* and *Template*
  - complete Jan 2021 - timed with reform of *Divorce Act* and *CLRA* coming into force
- *Parenting Plan Guide*:
  - research-based resource based on multidisciplinary perspectives to help parents, judges and professionals make **developmentally appropriate parenting plans**
  - *Guide is a* tool, **not Guidelines**
  - materials for lawyers & mediators to use and give as "homework" to their clients
  - Can assist SRL's
  - General advice on post-separation co-parenting
    - importance of communication & co-operation
    - harm to children from conflict
    - prepare for long term, evolving co-parent relationship
  - Value of ADR, including mediation & settlement, **but also caution if dv, significant mental health or substance misuse issues**
  - **Age-specific discussion of principles & possible schedules**, but not "guidelines"
    - **discussion about ages & stage and stages of development and relationship to discussion for schedule (eg for 1 year old, should generally not be "week about")**
  - Advice on pros/cons of possible terms (also *Template)*

Courts & AFCC-O Guide



- AFCC-O *Parenting Plan Guide* referred to in over 100 reported cases
- Justice Kraft in *H. v. A.,* 2022 ONSC 1560:

  "The *Guide* ….has been found by many courts to be **of great assistance** in determining parenting schedules that are in a child's best interests, depending on the age of the child and his/her developmental stage. **While not binding on the courts,** the Guide provides a great deal of helpful information and reflects a professional consensus in Ontario about the significant of current child development research for post-separation."
- *Tremblay-Chartier v. Blanchette* 2025 ONSC 6273 (Ont. Div. Ct): appeal from motion judge who in a high conflict case awarded temporary week-about shared parenting time for 15-month-old boy who had been in the care of his mother since birth. In reversing the order made by the motion judge, Shore J. noted that *Guide* raises concerns about the developmental appropriateness of a week-about shared parenting time schedule for a child of this young age. Justice Shore observed:

  "The motion judge ordered a 15-month-old child to spend equal time with both parents, a departure from what is recommended by the ***AFCC-O Guidelines and social science***, **with no reasons offered as to why this was in the best interests of the child**. The judge emphasized ….did not address why a departure from recommended age-appropriate parenting schedules met the best interests of this child."
- Some have argued that *Tremblay-Chartier* requires judges to explain why *Guide not followed.*
- Better view is that judges are **NOT** required to explain departure from *Guide* but rather should make orders that consider social science knowledge about child development, that may be based on the *Guide,* or expert evidence or judicial knowledge. See *Gjorsovski v. Krajisnik,* 2025 ONSC 7220*, per* Justice Breithaupt Smith, and Franks & Zalev, TWIFL, March 23, 2026.

Revision Project

- In 2025, after 5 years of use, AFCC-Ontario Board decided time to review use of *Guide* and *Template* and consider *revisions.*
- *Task Force* mainly members of prior TF, but added a few new members to replace members appointed as judges etc.
- Ensure consistent with recent research and caselaw
- Birnbaum & Bala surveyed use by professionals in Fall 2025
  - 91 responses: 86 from Ontario & 5 from Alberta
    - 16 interviews
    - 80 lawyers, 4 parenting evaluators, 4 mediators and 3 MHPs
- Task Force started in Feb 2026
- Consultation Draft released Aug. 20 until Sept 21, 2026
- Task Force Final Review by Oct 13.
- Posted on AFCC-O webpage Oct. 23
  - Expand, clarify and revise
  - more inclusive language
    - e.g. “substance misuse” replaces “substance abuse’”

      “lactating parent” replaces “breast-feeding mother
- Seeking funding from Justice Canada to translate *Guide* into French

Major expansions

- step-up plans
- transitions
- virtual parenting time, screen use and social media

Clarification & revisions

- ***Clarify*** some issues which may be misunderstood by some e.g.
  - shared parenting is valuable, but should not be presumed
  - research is valuable, but based on group findings and need for individual plans
  - significance of coercive control and family violence
- role of *Guide*
  - "This *Guide* combines knowledge gained from scholars and developmental research on the impact of parental separation and divorce on children, with practical insights of experienced lawyers, mediators and mental health professionals about the needs of children with parents living apart. The *Guide* is not an exhaustive summary of research, and it is not intended to be the sole reference on issues relating to child development and post-separation parenting. Further, each child and family situation is unique, while social science research is typically based on group findings and may not be applicable to your individual case. We have not included references or links to social science research as the literature is always evolving, and the *Guide* is only intended to provide general information that the members of the Task Force feel confident endorsing."

Clarification of most controversial passages – no presumptions & shared parenting

2021

Canadian law does *not* start with a presumption that there will be equal parenting time, or any other particular parenting schedule. Rather both research and Canadian law support individualized plans for children based on the needs of each child in the family and the circumstances of the parents, rather than presuming that a plan like one based on equal parenting time, is appropriate for a specific child.

The use of plans based on roughly equal parenting time is becoming more common in Canada, and some children benefit from such arrangements. Other children experience these equal parenting time schedules as disruptive or uncomfortable, or are deeply affected by the continuous exposure to parental conflict that such arrangements may intensify. Equal parenting time is rarely appropriate if:

- there is a high level of parental conflict, or the parents communicate poorly;
- the parents do not live close to one another;
- the parents were not each significantly and actively engaged in the care of the children before the plan is put into place;
- the children are pre-school-age and primarily attached to one parent; or
- the children are older and do not support this arrangement.

Further, whatever the initial plan, the needs of children and circumstances of parents change as children grow older and plans for their care generally need to be modified if they are to remain developmentally appropriate.

2026

Canadian law does *not* presume that children should spend equal time with each parent, or that any other specific parenting schedule should apply. A presumption would mean starting with a default assumption that a specific arrangement would be the optimal plan unless someone proves otherwise. Rather, both research and Canadian law emphasize that parenting plans should be based on an individualized assessment of the best interests of each child and the circumstances of the family…

It is also important to distinguish between families capable of developing parenting arrangements outside of court and those whose parenting plans are determined through litigation… when parents are involved in ongoing litigation or experience significant conflict, family violence or communication difficulties, then parenting arrangements generally need to place greater emphasis on stability, predictability, and minimizing opportunities for conflict between parents by establishing clear, but less flexible, rules.

The use of parenting plans based on roughly equal parenting time is becoming more common in Canada, especially for families who voluntarily adopt these arrangements and have characteristics associated with better outcomes, such as lower levels of parental conflict and greater parental cooperation. However, even in low conflict situations, shared parenting may not be the optimal plan for some children as they may experience these equal parenting time schedules as disruptive or uncomfortable or are deeply affected by the continuous exposure to parental conflict that such arrangements may intensify.

While each case requires individualized assessment, substantially equal parenting time may not be appropriate if there is family violence or a high level of conflict. Further, substantially equal parenting time may not be appropriate if:

- the parents do not live relatively close to one another;
- the parents communicate poorly;
- the parents were not each significantly and actively engaged in the care of the children before the plan is put into place;
- the children are pre-school age and primarily attached to one parent; or
- the children are older and do not support this arrangement.

Further, whatever the initial plan, the needs of children and the circumstances of parents may change as children grow older, and plans for their care will generally need to be modified to remain developmentally appropriate.

Task Force

The membership of the 2026 Task Force is:

- Nicholas Bala, Law professor, Kingston (Chair)
- Dr. Rachel Birnbaum, Social Work professor, London
- Brian Burke, family lawyer, Toronto
- Antoinette Clarke, mediator, Peel Region
- Fadwa Yehia, family lawyer, Toronto
- Crystal George, Walpole Island First Nation Enodmaagejig Social Services
- Dr. Kim Harris, psychologist, London
- Dr. Rana Pishva, psychologist, Ottawa
- Dr. Shely Polak, social worker, Toronto
- Vicky Ringuette, family lawyer & mediator, Hamilton
- Dr. Michael Saini, Social Work professor, Toronto
- Patric Senson, Office of the Children's Lawyer, Toronto
- Golnaz Simaei, family lawyer, Toronto
- Jennifer Wilson, family lawyer, Toronto

AFCC-O webinar on *Guide*

- Nov 18, 2026, 1pm -2pm

- Gol Simaei, Co-President AFCC-O
- Justice Melanie Kraft, Ont Superior Court
- Prof. Nicholas Bala, Task Force Chair

>



Prof. Nicholas Bala: bala@queensu.ca