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British Columbia News

New changes will make family law work better for families

<https://news.gov.bc.ca/30147>

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Changes coming into effect Monday, Jan. 15, 2024, will reduce some of the difficulties for families going through separation or divorce in B.C., including those with pets.

British Columbians will also have the opportunity to provide input into further changes to make family law work better for families.

Work is being done to update family law in phases. On Jan. 15, changes from the first phase concerning companion animals come into effect to better help people determine ownership and possession of companion animals following a separation or divorce. Public engagement also begins, allowing people to share their experiences with family law to help inform

changes that will ensure that the health, safety and well-being of children continue to be at the centre of every decision.

“Going through separation or divorce is already difficult for couples and children. Our justice system should be there to help, not make it harder,” said Premier David Eby. “These changes include putting the health, safety and well-being of kids at the centre of every decision and using the actual experiences of families in the system to improve it. The initial changes also recognize that pets are an important part of the family and allow a child’s relationship with a pet to be considered and respected. By making these reforms with input from people in B.C., we hope to make an already difficult time a bit less stressful for everyone involved.”

The changes coming into effect improve the process for determining ownership and possession of companion animals following a separation or divorce. In the past, the factors that determined who kept companion animals after a relationship ended were the same as those for dividing other types of property. This change makes family law work better for today’s families by providing spouses and the court with more appropriate guidance during a separation or divorce.

To better serve people and animals involved, determining factors now include:

- each person’s ability and willingness to care for the animal;
- the relationship a child has with the animal; and
- if there are any risks of family violence or threats of cruelty to an animal.

Spouses are encouraged to make their own agreements about companion animals, with options to jointly own, share possession or give one spouse exclusive ownership or possession of the pet. However, if spouses cannot come to an agreement, they can ask the court to decide. In such cases, the Supreme Court or the provincial court can make an order that one person has possession and ownership of a companion animal. Companion animals does not refer to service or guide dogs, or agricultural livestock.

After a successful first phase of public engagement, additional updates to the Family Law Act are being explored to reflect changes in society and developments in case law. Government is seeking input from the public on several topics, such as:

- family violence and protection orders;
- parenting assessments and views of the child reports; and
- time with and care of children.

“We are committed to making family law work better for families,” said Niki Sharma, Attorney General. “Public engagement is a crucial step in this process and we encourage everyone to share their experiences to help inform changes to family law that will ensure it reflects the changing needs and diversity of families today and tomorrow.”

Three surveys are available that anyone can complete based on their experiences with family law. A fourth survey considers the topics through an Indigenous perspective, providing another option for Indigenous people or those who support them in family law matters to

another option for Indigenous people, or those who support them in family law matters, to participate. A discussion paper is available for those interested in commenting on these topics in more detail.

Public engagement will be open until March 31, 2024. Following this consultation, the ministry will report publicly on the findings, which will inform proposed amendments to the legislation.

These changes are the next steps government is working on to continue working together with all partners throughout the province to ensure the justice system remains reflective of changing family needs.

Quotes:

Katrina Chen, MLA for Burnaby-Lougheed –

“Intimate partner violence must be a priority to ensure the legal system and family court system isn't causing more harm to victims. We can't just talk about it. We need to take concrete actions. I am glad our government is taking more action on gender-based violence, which is the longest-lasting human rights violation in this world.”

V. Victoria Shroff, KC, B.C.'s pioneering animal law lawyer and adjunct professor of animal law at UBC's Peter A. Allard school of law –

“Pets are unique members of our families, not inanimate property like furniture, and our family laws now reflect this. B.C. has taken the lead in Canada when it comes to deciding ‘who gets the pet’ when a couple splits up. This first-of-its-kind legislation considers the interests of the whole family, including relational aspects of the bond between companion animals and their family.”

Learn More:

To participate in the public engagement, visit:

<https://engage.gov.bc.ca/govtogetherbc/engagement/making-family-law-better/>

For more information on making family law work better for families,

visit: <https://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/legislation-policy/active-reviews/family-law-act/family-law-act-making-family-law-better-for-families>

To view the Family Law Act, visit:

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/11025_01

For more information about Supreme Court Family Rules, visit:

https://www.bclaws.gov.bc.ca/civix/document/id/roc/roc/169_2009_00_multi

For more information about the Provincial Court Family Rules, visit:

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/120_2020

For more information about B.C. legislation, visit: <https://workingforyou.gov.bc.ca/legislation>

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Translations

- [ChangesFamilyLaw_Chinese\(simplified\).pdf](#)
- [ChangesFamilyLaw_Chinese\(traditional\).pdf](#)
- [ChangesFamilyLaw_French.pdf](#)
- [ChangesFamilyLaw_Punjabi.pdf](#)

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