

# **The Joyce Model of Guardianship Adapted for the Custody under the *Divorce Act***

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The spouses will have joint custody of the child on the following terms:

1. in the event of the death of a spouse, the surviving spouse will have sole custody of the child;
2. each spouse will have the obligation to advise the other spouse of any matters of a significant nature affecting the child;
3. each spouse will have the obligation to discuss with the other spouse any significant decisions that have to be made concerning the child, including significant decisions about the health (except emergency decisions), education, religious instruction and general welfare;
4. the spouses will have the obligation to discuss significant decisions with each other and the obligation to try to reach agreement on those decisions;
5. in the event that the spouses cannot reach agreement on a significant decision despite their best efforts, the spouse with the primary residence of the child will be entitled to make those decisions and the other spouse will have the right to apply for an order respecting any decision the spouse considers contrary to the best interests of the child, under s. 16(1) of the *Divorce Act*; and,
6. each spouse will have the right to obtain information concerning the child directly from third parties, including but not limited to teachers, counsellors, medical professionals, and third party care givers.