

FACTS AND STATS



Divorce, Separation and Uncoupling in Canada

Just as families continuously evolve, so do the interpersonal *relationships* at the heart of family life. Every year, thousands of Canadians come together to form *committed family relationships* – some of whom decide to raise children together – and sometimes, a variety of reasons may compel them to end their relationship, which can result in **diverse, unique and often difficult transitional experiences** for the family.

Patterns of *coupling or partnering* and *uncoupling or unpartnering*¹ have **evolved throughout Canada's history** in response to social, economic, cultural and legal changes. While divorce rates were low for most of the 20th century due to restrictive social norms and legal processes, there has since been an increase in the share of families who have experienced separation, divorce and uncoupling – particularly following the liberalization of divorce through the 1968 *Divorce Act* and further amendments in 1986.²

Whether it's separation and divorce following a marriage, or the uncoupling of a common-law union, this change can be emotionally, socially, legally and/or financially challenging for family members. Current research shows, however, that **the impact on adults and children – including the speed and degree of adjustment – varies widely** and is shaped by post-divorce circumstances, access to community programs and services, as well as the availability of information, resources and support during the transition.

A recent study found that as a whole, the impact on the well-being of children experiencing parental separation or divorce is “moderate rather than strong,” since each child reacts to parental divorce in their own way with some but not others showing signs of difficulties.³ The study notes that **as divorce has become more commonplace across generations, the overall stress experienced by family members has likely abated** somewhat as it's no longer highly stigmatized.⁴

While conversations *and* research on parental separation and divorce in the past often used *deficit-based language* such as “family breakdown,” this kind of framing is far less common today, perhaps reflecting a growing awareness that **families don't “break” or “end” following marital or common-law union dissolution** – rather, they adapt, react and evolve.

In May 2018, the federal government proposed amendments to the *Divorce Act* to **mitigate the adversarial nature of family court proceedings following separation and divorce**. These changes are meant to serve the “best interests of the children,” and include *defining* what these “best interests” are, updating adversarial language such as “custody” and “access” to terms that include “parenting orders” and “parenting time,” establishing clear guidelines for when one parent wants to relocate with a child, making it easier for people to collect support payments, strengthening the capacity of courts to address family violence and compelling lawyers to encourage clients to use family-dispute resolution services, such as mediation.^{5, 6}

9.9% and 9% Estimated share of Canadians aged 15 and older in 2016 who were **divorced/separated and living common-law** and who were **divorced/separated and NOT living common-law**, respectively.⁷

1 in 5 Proportion of Canadians surveyed in 2011 who reported that their **parents are divorced or separated** (19%), up from 1 in 10 in 2001 (10%).⁸

15% Proportion of Canadians in 2011 who had **experienced divorce or separation in the prior 20 years**.⁹

4 in 10 Estimated proportion of marriages in Canada that will **end by the 30th year of marriage** (41%).¹⁰

13.7 years Average **duration of marriage** for Canadians who finalized a divorce in 2008 (most recent data available).¹¹

66% Proportion of *divorced* Canadians surveyed in 2011 who said they **did not have remarriage intentions** (23% said they were uncertain).¹²

8 in 10 Proportion of active **divorce cases** in 2010–2011¹³ that were **uncontested** (i.e. divorcing couple agrees on all issues). Uncontested cases move through the civil court system faster than contested cases (median duration of 120 days and 490 days, respectively).¹⁴

\$1,772 and \$15,306 Average total **fees** (per case) reported by surveyed Canadian lawyers for *uncontested* and *contested* divorce cases, respectively, in 2016.¹⁵

1/4 Proportion of divorced or separated parents in Canada surveyed in 2011 who **had children aged 18 or younger** (24%).¹⁶

56% Proportion of children aged 24 and under in *lone parent families* in 2011 who **lived with a divorced or separated parent**, down from 62% in 2001.^{17, 18}

70% and 15% Proportion of separated or divorced mothers and fathers, respectively, who reported in 2011 that *their* household was the **primary residence of their children** (time was divided equally for 9% of respondents).¹⁹

1 in 5 Proportion of divorced or separated parents with children under 18 in 2011 who were *paying* some form of **financial support for their children** – 26% were *receiving* child support.²⁰

85% and 15% Proportion of separated or divorced mothers and fathers, respectively, surveyed in 2011 who said they were the **primary decision maker** regarding their child's health, religion and/or education.^{21, 22}

¹ This resource includes the terms *coupling* and *partnering* to include the diversity of relationships in Canada. While coupling includes people in two-person dating, common-law and married couples, partnering is broader and can include relationships between more than two people, such as those in polyamorous relationships (the same applies to uncoupling and unpartnering). To learn more about polyamorous relationships, see "Polyamory in Canada: Research on an Emerging Family Structure" (link: <https://bit.ly/2MF4jNO>) and *Polyamory, Diversity and Family Life* (link: <http://bit.ly/2zShZnk>).

² The 1968 *Divorce Act* introduced "no fault" divorce based on separation of three years or more, which was reduced to one year following amendments in 1986. According to Statistics Canada, the number of divorces has been fairly stable since the early 1990s. Link: <https://bit.ly/2KX5jdi>.

³ Paul R. Amato, "The Consequences of Divorce for Adults and Children: An Update," *Social Research: Journal of General Social Issues* 23(1) (March 2014). Link: <https://bit.ly/2maOVh8>.

⁴ Amato notes that "we should keep in mind that in the past, many continuously married couples were not particularly happy. The general availability of divorce has made it easier for people to leave dysfunctional or abusive marriages and seek greater happiness and fulfillment with more compatible partners." Link: <https://bit.ly/2maOVh8>.

⁵ See Brandie Weikle, "Parents, Family Lawyers Cautiously Optimistic About Divorce Act Changes," *CBC News* (May 23, 2018). Link: <https://bit.ly/2N3cmUV>.

⁶ Learn more about mediation in John-Paul Boyd, MA, LLB, "Collaborative Settlement: Resolving Disputes After Separation or Divorce," *Transition* (2015). Link: <https://bit.ly/2ukEOtS>.

⁷ Statistics Canada, *Estimates of Population as of July 1st, by Marital Status or Legal Marital Status, Age and Sex* (Table 17-10-0060-01) (page last updated July 3, 2018). Link: <https://bit.ly/2NbDiC1>.

⁸ Statistics Canada, *Distribution of separated or divorced parents by major decision making role about the health, religion and/or education of their children, Canada, 2011* (GSS Table 19), (page last updated November 30, 2015). Link: <http://bit.ly/ZC1Swf>.

⁹ Maire Sinha, "Parenting and Child Support after Separation or Divorce," *Spotlight on Canadians: Results from the General Social Survey*, Statistics Canada catalogue no. 89-652-X (page last updated November 30, 2015). Link: <https://bit.ly/2KxbXOp>.

¹⁰ Mary Bess Kelly, "Divorce Cases in Civil Court, 2010/2011," *Juristat*, Statistics Canada catalogue no. 85-002-X (page last updated November 30, 2015). Link: <http://bit.ly/18tCSOo>.

¹¹ Anne Milan, "Marital Status: Overview, 2011," *Report on the Demographic Situation in Canada*, Statistics Canada catalogue no. 91-209-X (page last updated November 30, 2015). Link: <http://bit.ly/16mSX51>.

¹² Statistics Canada, *Distribution of People Who Intend to Marry or Remarry by De Facto Marital Status and Region of Residence, Canada, 2011* (GSS Table 1) (page last updated November 30, 2015). Link: <http://bit.ly/117oVAI>.

¹³ Most recent data available from Statistics Canada.

¹⁴ Kelly, 2012.

¹⁵ Michael McKiernan, "June 2016 – The Going Rate," *Canadian Lawyer Magazine* (June 6, 2016). Link: <https://bit.ly/2MPoek3>.

¹⁶ Anne Milan, "Families and Living Arrangements," *Women in Canada: A Gender-based Statistical Report*, Statistics Canada catalogue no. 89-503-X (page last updated March 3, 2016). Link: <https://bit.ly/2KsYYfT>.

¹⁷ This rate has historically fluctuated due to complex and evolving trends, including (but not limited to) the corresponding *increase* in the share of children living with a "never married" lone parent (from 31% in 2001 to 37% in 2011) and *decrease* in the share living with a widowed parent (from 7.3% to 6.4%). Rate is similar to the 1971 figure (55%), which climbed over the following two decades to reach 70% in 1991 following the 1986 passage of the revised *Divorce Act* (which reduced the separation requirement for divorce to one year or more) – the rate has since declined.

¹⁸ Statistics Canada, "Lone-Parent Families: The New Face of an Old Phenomenon," *Canadian Megatrends*, Statistics Canada catalogue no. 11-630-X (page last updated May 17, 2018). Link: <http://bit.ly/17yUWdN>.

¹⁹ Statistics Canada, *Distribution of Separated or Divorced Parents, by Primary Residence of Their Children, Canada, 2011* (GSS Table 18) (page last updated November 30, 2015). Link: <https://bit.ly/2KuWlIU>.

²⁰ Sinha, 2015.

²¹ This is among separated or divorced couples in which only one parent was a primary decision maker (decisions were made together or alternatively by 35% of survey respondents).

²² Statistics Canada, *Distribution of Separated or Divorced Parents by Major Decision Making Role About the Health, Religion and/or Education of Their Children, Canada, 2011* (GSS Table 19) (page last updated November 30, 2015). Link: <http://bit.ly/ZC1Swf>.