"No Presumptions! Joint Custody in the British Columbia Court of Appeal"

**Abstract:** This talk is based on a study of joint custody trends in the British Columbia Court of Appeal, compared to those in the Ontario Court of Appeal. Whereas the Ontario Court is known for its cautious approach to joint custody, the B.C. Court cautioned against any use of presumptions in its 1996 decision in *Robinson v. Filyk*. All appellate decisions since *Robinson v. Filyk* were examined in order to determine the specific trajectory in the B.C. Court. Among other findings, the possibility of joint guardianship orders in the B.C. system as well as the “unbundling” of the rights and responsibilities associated with custody distinguish British Columbia from Ontario. The gendered dimensions of the appeals will also be discussed.

**Susan B. Boyd**

Professor of Law  
Chair in Feminist Legal Studies  
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**SUSAN B. BOYD** is a Professor of Law and has held the Chair in Feminist Legal Studies at UBC since 1992. She teaches Family Law, Women, Law & Family, Feminist Legal Studies, Law & Social Justice, and Women, Law & Social Change. She is also Director of the Centre for Feminist Legal Studies. Her research interests lie in the fields of parenthood and family law and she has published books, articles and book chapters in these fields, including *Child Custody, Law, and Women’s Work* (Oxford University Press 2003). Her community work includes assisting government and non-governmental organizations on family law reform. In 2008 she received the UBC Law Alumni Award for Research.

**Friday, January 29th, 2010**  
**2:30-4:00**  
**UCLL Room 176 (6331 Crescent Road)**  
*Refreshments served!*