

# CHILD CUSTODY AND ACCESS

## What Parents Should Know

In Canada, parents usually have the right to raise and be involved in their child's life, whether they are married, living together, separated or divorced.

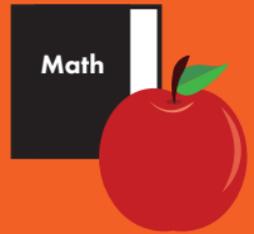
When parents don't live together, they have to decide where the child will live, and who will have the right and responsibility to make important decisions in the child's life.

Sometimes, these parenting rights are called:



## CUSTODY and ACCESS

**CUSTODY** means having the legal right to make the important decisions for the child, like their school, religion and choices about their health.



The law says both parents have the right to custody of their child until a court order or legal agreement makes a change.



If the Court makes an order about custody or access, it will determine what is in the **best interests of the child**.

**JOINT CUSTODY** is when both parents have custody rights.

This means the parents will have to work together, and agree on the important decisions for their child.



**SOLE CUSTODY** is when only one parent has custody rights.

The other parent does not have to agree to the important decisions for the child.



**ACCESS** is the right to have contact with the child usually for visits and the right to know about the child's life, such as their health and education.

If there are concerns about the child's **comfort** or **safety** while they are visiting the parent with access, visits can include another person, or happen at specific times and places.

Usually the Court thinks it is best for the child to spend some time with both parents when it decides about custody and access.



The Court considers things like:

- the emotional ties between the child and each parent
- how each parent has looked after the child in the past
- the plans each parent has for looking after the child in the future.

The Court also has to look at whether either parent has been **abusive** or **violent** in the past.

If you have sole custody or access, there may be limits on travelling with your child, or moving to a new place to live.



If you don't agree with the other parent, **it is important to talk to a family lawyer about your situation.**

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**CHILD CUSTODY AND ACCESS**  
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