

CHILDREN: DECISION-MAKING RESPONSIBILITY AND PARENTING TIME (formerly 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. These parenting rights are called:



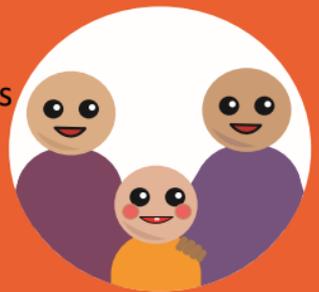
DECISION-MAKING RESPONSIBILITY AND PARENTING TIME

Decision-making responsibility means having the legal right to make important decisions about caring for a child, like their school, religion, and choices about their health. The law says both parents have the right to decision-making responsibility for their child until a **court order** or **legal agreement** makes a change. But, if the parents of a child live separately from one another, and one parent had agreed to or accepted this living arrangement, the parent who lives with the child has decision-making responsibility, even without a court order.



When the court makes an order about decision-making responsibility or parenting time, it will determine what is in the best interests of the child.

Joint Decision-Making Responsibility means that the parents will have to work together, and agree on the important decisions for their child.



SOLE Decision-Making Responsibility is when only one parent has the right to make important decisions for the child.



Divided Decision-Making Responsibility means that one parent can make some important decisions about the child and another parent can make other important decisions.

Parenting time means the time that the child spends in the care of a parent, whether or not the child is physically with the parent during that time. Only the child's parents can apply for parenting time.

In deciding who the child should live with, who should have decision-making responsibility, and what the schedule for parenting time will be, the court must consider the child's best interests. The court will consider the child's physical, emotional, and psychological safety, security, and well-being.



In deciding who the child should live with, things that the court considers include:

- The relationship the child has with their parents, siblings, grandparents, and other people who are an important part of the child's life;
- How the child has been cared for in the past
- The plans for caring for the child in the future.
- The child's views and wishes depending on their age
- The child's needs given their age and stage of development

The Court also has to look at whether there has been family violence and its impact on the ability of a parent to meet the needs of the child.

The decision-making responsibility and parenting time arrangements for a child may affect a parent's responsibilities when travelling with the child or moving to a new place to live.

If you do not agree with the other parent, it is important to talk to a family lawyer about your situation.

This is general information only. If you need legal advice, you should contact a lawyer.

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Children: Decision-Making Responsibility and
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