This booklet explains the law for young parents in Alberta.

There is information about:

- pregnancy
- adoption
- guardianship
- living together
- getting married
- living apart
- child support
Who is this booklet for?

This booklet explains the law for young parents. This booklet has information about pregnancy, adoption, guardianship, living together, getting married, living apart and child support.

Family law is complicated. Finding out about the law and your options is a very good first step. There are a lot of people and organizations who can help you. There is a list of referrals at the back of this booklet. Most of the legal words are defined in the margins.

There are other booklets in this series that can help you. Go to www.cplea.ca to find out more.

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The Centre for Public Legal Education Alberta is a non-profit organization whose mission is to help people understand the law as it affects their everyday lives. We develop plain language booklets, presentations and other learning materials to help people recognize and respond to their legal rights and responsibilities. We have a variety of programs, and provide legal information and referral on many legal topics. For more information, please go to www.cplea.ca.

The contents of this booklet do not constitute legal advice. We make no claims or promises about its accuracy or completeness. If you require legal advice, you should consult a lawyer.

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This booklet is based on Alberta law.
The law may be different in other provinces.
The Law and Pregnancy

Emily and Matthew are both 16 years old and have been dating for a while. They’ve gotten pretty serious, and started having sex. They use condoms, but not any other kind of birth control because Emily didn’t want the doctor to tell her parents that she was having sex. Emily just found out that she’s pregnant and doesn’t know what to do.

Does Emily need her parents’ consent for medical treatment?

Age doesn’t determine the ability to make medical decisions. Emily can make her own medical decisions as long as she is capable of understanding her situation, the information that she is given about treatment, and the consequences of her decision. It is usually up to the doctor to decide if she is capable of making decisions about medical treatment. This means that if Emily’s doctor thinks that she has the capacity to make medical decisions, then Emily doesn’t need her parents’ consent to get birth control, or to have a pregnancy test, ultrasound, or abortion.

Does Emily need her parents’ consent to have an abortion?

Emily does not need her parents’ consent to have an abortion, unless the doctor believes she is not mature enough to understand the consequences of having an abortion. Some doctors do not perform abortions, so it is a good idea for Emily to do some research and call around before visiting a doctor’s office.

Does Emily need Matthew’s consent before she can have an abortion?

Emily does not need Matthew’s consent to have an abortion. Emily might want to talk the situation over with Matthew, but she is not legally required to do so.
How long does Emily have to decide?

Abortions in Alberta are performed up to 20 weeks. After 20 weeks, abortions are only performed when they are medically necessary.

Will Emily have to pay for the abortion?

If Emily has Alberta Health Care, she will not have to pay. Abortions in Alberta are performed in either a hospital or a clinic and the costs are covered by Alberta Health Care.

Do unborn children have any rights?

In Canada, an unborn child is not considered to be a legal person. This means that unborn children do not have any rights.

Does Matthew have the right to be involved during the pregnancy?

Emily and Matthew can talk to each other to decide how and when he will be involved with the pregnancy. If Emily chooses to not involve Matthew in the pregnancy, that is her right. Matthew has no legal rights to be involved with the pregnancy. This situation changes once the child is born. Fathers have certain rights, and most of the time, this includes the right to have a relationship with the child and to spend time with the child.

Can Emily get fired because she is pregnant?

The Alberta Human Rights Act says that Emily shouldn’t be discriminated against on the basis of sex. This includes being discriminated against because she is pregnant. The law protects her from being discriminated against by an employer or service provider. The Alberta Human Rights Commission can provide information, and an explanation of the procedural steps that have to be followed to lodge a complaint. There is a booklet about pregnancy rights that you can read on its website.
The Law and Adoption

Emily is considering what options would best for her. She decides to learn about adoption to see if that would be a good option for her and the child.

What is adoption?

Adoption is when someone other than the parents raise the child, and take on all of the legal responsibilities in relation to the child.

Are there different kinds of adoption?

Yes, there are different kinds of adoptions.

- Government adoptions happen when the government arranges the adoption between the birth parents and the adoptive parents.
- Private Adoptions happen when the government is not involved with the adoption. Birth parents can proceed with a private adoption on their own, or they can go to a licenced agency for help in making the arrangements. Commonly, birth parents choose the adoptive parents in a private adoption.
- International adoption happens when a child from another country is adopted.

Do Emily’s parents have to consent to the adoption?

No, Emily’s parents do not have to consent to the adoption, if Emily understands the decision that she is making and the consequences of that decision.
Does Matthew have to consent to the adoption?

Yes, Matthew has to consent to the adoption. All guardians have to consent, unless:

- there are compelling reasons to not involve the father (for example, sexual assault);
- if the father is unknown; or
- if the father cannot be located.

An adoption cannot proceed if any guardian is unwilling to consent to the adoption.

Will Emily get to spend time with the baby?

Emily and Matthew can discuss the ongoing relationship with the child with the caseworker, adoption agency, or the people who are interested in adopting the child. They can enter into an agreement regarding if and how that contact will occur. Emily and Matthew might want to receive annual updates on the child, and they will have to talk to the caseworker or the potential adoptive parents about that.

There is an Ongoing Information Exchange service offered by the Post Adoption Registry. This is a voluntary service, and only occurs if both the birth parents and the adoptive parents submit paperwork. The purpose is to share information, pictures and letters.

Emily and Matthew should both speak to lawyers to receive legal advice before consenting to an adoption.

Can Emily change her mind later on?

Emily and Matthew can revoke their consent to the adoption within 10 days of the adoption paperwork being signed. If they do not revoke their consent, then the adoption continues. Sometimes there is a final adoption hearing, and Emily or Matthew can contest the adoption there if they have changed their minds. The judge would make a decision based on the child’s best interests. Once the adoption order is issued, then the adoptive parents become the legal parents of the child.

Can the child find Emily and Matthew once the child grows up?

The Post Adoption Registry controls what information will be released once a request for information is received from the birth parents or the child. The Registry can help birth parents understand what information will automatically be released and what the release of the information means.
Law and Birth

Emily decides to have and raise the baby but she has questions about her rights during the birth. Matthew isn’t sure how he can be involved but he wants to find out.

Do fathers have a right to be there when the child is born?

No, the father does not have the right to be present when the child is born, unless the mother wants him there.

Who gets to name the baby?

When babies are born, their births are registered under Alberta’s Vital Statistics Act. If the birth happens in a hospital, then the hospital will provide the forms that must be filled out in order to register the birth. A child must have a first and last name.

In Alberta, there are rules about a child’s last name.

- If the parents agree, then the child’s last name will be:
  - the last name of one of the parents; or
  - both parents’ last names. The names could be hyphenated (for example, Smith-Jones) or combined (which means the two last names joined with or without a space or a hyphen (for example, Smith Jones, SmithJones, or Smith-Jones)

- If the parents do not agree on what the child’s last name should be, then the child will be registered with the last names of the parents, in alphabetical order and hyphenated (for example, Jones-Smith). Either parent can make a court application to change a child’s name if the parents cannot agree.

- If there is only one parent listed on the registration document, then that parent’s last name is used.
Can the child have whatever first name the parents choose?

A name might be refused if Vital Statistics thinks that the name might cause confusion, embarrassment, be misleading, or is objectionable in any other way. If Emily and Matthew wanted to name their child “Doctor” as a first name, this might be refused, as it could lead to confusion for people.

Is there a connection between the last name and the ability to get child support?

It doesn’t matter which last name the baby has. Child support is the responsibility of the parents to pay, even if the parent does not share the same last name as the child. The same is true with guardianship. The baby and the guardian do not need to share the same last name. If the baby and Matthew do not share the same last name, Matthew is still a guardian with the right to a relationship with the child, and is still financially responsible for the child.

Can Emily refuse to put Matthew’s name on the birth certificate?

This is a complicated issue, and Emily should talk to a lawyer before she makes this decision. If Matthew consents and is listed on the birth registration documents, then he is considered to be a parent to the child. This also means that he is considered to be a guardian. A guardian is someone who is responsible for the health and well being of a child, and for making decisions for the child.

If Emily doesn’t include Matthew on the birth registration documents, then Matthew still has rights.

If the father’s name is not included on the registration, the father still has rights. Sometimes mothers think that if they do not name the father, then the father cannot have a relationship with the child. This is not true. The father can apply to be recognized as a parent and guardian, and to spend time with the child. The father also has a responsibility to provide financially for the child, regardless of being named on the birth certificate or not.

You can find more information about naming a baby online on the Vital Statistics website at www.servicealberta.ca/vitalstatistics.cfm

A guardian is someone who is responsible for the health and well being of a child, and for making decisions for the child.
What if Matthew doesn’t think he’s the father?

Matthew can ask Emily to agree to a paternity test. If Emily and Matthew can’t agree about the test, then either of them can bring an application to determine the parentage of the child. Parentage is the legal process that decides who the parents of the child are. If a person does not consent to having the test done, then the judge cannot force them. The judge can, however, infer parentage. For example, if Matthew refused to have a test done, then the judge could infer that Matthew is the father of the child based on Matthew’s refusal to have the test done. The same goes for Emily. If Emily refused to have the child’s test done, then the judge could infer that Matthew is not the father of the child.

Matthew can refuse to sign the birth registration. If he finds out later that he is the father of the child, then he can apply to court for an order that would add his name to the birth certificate.

Are there times when it’s automatically assumed that someone is the father of the child?

Yes. The Family Law Act says that a man is considered to be the father of the child when:

- He was married to the mother of the child:
  - when the child was born; or
  - the marriage ended less than 300 days before the child was born; or
  - after the birth of the child and he acknowledges that he is the child’s parent.
- He lived with the mother for 12 consecutive months and:
  - the baby was born during that time, and he acknowledges that he is the father; or
  - the relationship ended less than 300 days before the child was born.
- He requested to be registered, and is registered, as the parent of the child for the purposes of the Vital Statistics Act.
- A court order says that he is the father.

If Matthew fell into one of the categories, and was presumed to be the father, then he has options. If he doesn’t think that he is the father, then he can bring an application to determine parentage. If the test result shows that he is not the father, then he is not the father. In that case, Matthew has rebutted the presumption of parentage.
Who pays for the tests?

If the Emily and Matthew agree to do the test, then they can decide who will pay or if they will split the cost. If the test is being requested during a court application, then the judge can decide who will pay.

What if the mother does not know who the father is?

The mother can ask the potential fathers to take a paternity test. If the potential fathers refuse, then the mother can bring an application to determine parentage.

Why is it important to establish parentage?

Knowing who the child’s parents are is important for a few reasons.

- Every parent is obligated to provide financially for their children. This means that if someone is a parent, then they are responsible for child support.
- If one parent dies, then the child can inherit property or receive death benefits.
- Without establishing parentage, the father has no right to any kind of relationship with the child.

Does having a baby mean that the mother is emancipated from her parents?

No, there is no such thing as *emancipation* in Alberta law. If you are under the age of 18, and not married or in a common law relationship (also called an adult interdependent relationship), then you must have a guardian. If Emily’s parents were her guardians before she gave birth, they remain her guardians after the birth. Emily is now a guardian to her own child.

Do Emily’s parents become the baby’s guardians?

No, Emily’s parents do not automatically become the baby’s guardians. In order for grandparents to become guardians, they have to make a court application and give notice to all of the existing guardians. This means that if Emily’s parents were interested in becoming guardians of the baby, then they would have to provide Matthew and Emily with notice of the court hearing. If everyone consents to the grandparents being guardians, a consent order will be made and approved by a judge. If one of the current guardians does not consent, then that guardian will have the chance to tell the judge why appointing the grandparents is not in the child’s best interests. The judge will decide who should be a guardian based on the best interests of the child.
The Law and Guardianship

Is guardianship the same as custody?

Legal terms can be confusing. “Custody” means the ability to make decisions about a child. For example, if parents have joint custody of a child, then each parent has the ability to make decisions for the child, and they must make major decisions together (for example, where the child will live and go to school). Custody is a term that is used in the Divorce Act, and this law only applies if the parents are legally married to each other.

If the parents are not married and the child was born in Alberta, then the law that is important to know about is the Family Law Act. The Family Law Act does not use the term “custody” at all. Instead, the Family Law Act uses the terms “guardianship” and “parenting order.” Guardians have the power to make decisions for the child, and they are responsible for the well being of the child.

Does Emily get to decide if Matthew is a guardian?

The Family Law Act sets out the situations when it is presumed that a father is a guardian. If the law presumes that Matthew is a guardian, then Matthew automatically is a guardian. Emily does not get to overrule the law.

Sometimes one parent is concerned about the ability of the other parent to take care of the child. If this is the case, then the first step is talking about the concerns and seeing if they can be resolved by agreement. It is important to remember that some parents have different parenting styles. Just because a parenting style is different does not make it wrong. For example, Matthew goes to the baby as soon as there is the smallest sound, while Emily likes to wait before responding.

Sometimes a young parent needs some help in knowing how to be a parent. Are there family members who can help? There are a lot of community agencies, including Parent Link centres, and they offer parenting classes and supports.
The Responsibilities of Guardianship

Usually both parents are guardians of a child. Guardians are responsible for the care and well being of the child. Guardians are responsible for:

- making daily decisions about the children;
- supervising daily activities of the children;
- deciding where the children will live;
- deciding who the children can have relationships with;
- making decisions about the children’s education;
- making decisions about the children’s extra-curricular activities;
- deciding the children’s cultural upbringing;
- deciding the children’s religious and spiritual upbringing;
- deciding if the child should work and other employment matters;
- consenting to the child’s medical treatments;
- granting consent when a guardian’s consent is required;
- receiving and responding to any notices that a guardian is entitled to receive;
- dealing with any legal proceedings relating to the children;
- appointing someone to act on the guardian’s behalf in an emergency situation or when the guardian is temporarily absent;
- receiving health, education and other information that affects the child; and
- exercising other powers necessary to carry out the responsibilities of guardianship.
HOW DO I KNOW IF I’M A GUARDIAN?

Is there a court order that says you are the child’s guardian?

- YES
- NO

Is there a court order that says you are not the child’s guardian?

- YES
- NO

Are you legally married?

- YES
- NO

Did you give birth to the child?

- YES
- NO

Is there a court order that says you are not the child’s parent?

- YES
- NO

Within a year of finding out about the child, did you demonstrate an intention to assume the responsibilities of guardianship?

- YES
- NO

Have you voluntarily offered or given non-financial support for the child, within one year of finding out about the child?

- YES
- NO

Have you voluntarily offered money or paid money to support the child, within a year of finding out about the child?

- YES
- NO

Did you give or offer any kind of support to the birth mother, before or after the pregnancy?

- YES
- NO

Resolution Services (Family Justice Services) has an online version of this chart. Go to www.albertacourts.ab.ca/fjs/selfhelp/am-i-a-guardian.php
Was the child born using assisted reproduction?

- YES: Is there an order in place that says the other parent is the sole guardian?
  - NO: Were you married to the other parent, or had an adult interdependent relationship when the child was born?
    - NO: Did you marry or have an adult interdependent relationship with the other parent within one year after the child was born?
      - NO: Were you married to the other parent before the child was born, but divorced less than 300 days before the child was born?
        - YES: You are the child’s guardian.
        - NO: You are not the child’s guardian.
      - YES: You might be the child’s guardian. You should seek legal advice.
        - NO: Did you live with the other parent for at least 12 consecutive months, during which time, the child was born?
          - NO: Is there an agreement in writing that you would be the guardian of the child?
            - NO: You are the child’s guardian.
            - YES: You are not the child’s guardian.
          - YES: You might be the child’s guardian. You should seek legal advice.
    - YES: Did you marry or have an adult interdependent relationship with the other parent within one year after the child was born?
      - NO: Were you married to the other parent, or had an adult interdependent relationship when the child was born?
        - NO: Is there an order in place that says the other parent is the sole guardian?
          - NO: Were you married to the other parent, or had an adult interdependent relationship when the child was born?
            - NO: Did you marry or have an adult interdependent relationship with the other parent within one year after the child was born?
              - NO: Were you married to the other parent before the child was born, but divorced less than 300 days before the child was born?
                - YES: You are the child’s guardian.
                - NO: You are not the child’s guardian.
              - YES: You might be the child’s guardian. You should seek legal advice.
                - NO: Did you live with the other parent for at least 12 consecutive months, during which time, the child was born?
                  - NO: Is there an agreement in writing that you would be the guardian of the child?
                    - NO: You are the child’s guardian.
                    - YES: You are not the child’s guardian.
                  - YES: You might be the child’s guardian. You should seek legal advice.
                    - NO: Did you marry or have an adult interdependent relationship with the other parent within one year after the child was born?
                      - NO: Were you married to the other parent, or had an adult interdependent relationship when the child was born?
                        - NO: Did you live with the other parent for at least 12 consecutive months, during which time, the child was born?
*WHAT CAN GUARDIANSHIP LOOK LIKE?*

**Javier and Maria**

Javier and Maria were married for a long time and they have one child together. Both parents are very involved in the child’s life, and the child divides his time equally between the parents. Maria and Javier work together to make decisions for their child.

**Who are the guardians?**

Javier and Maria

**Who makes decisions for the child?**

Javier and Maria

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**Kristy and Tom**

Kristy and Tom lived together for a year and had a baby. Tom acknowledged that he was the child’s father, but he works out of town and hasn’t been involved with the child that much. He only sees the child once or twice a year. Kristy wants to be able to make all of the decisions for the child without needing Tom’s consent. She applied to change the responsibilities of guardianship. Now she has a court order that says she can make all of the decisions for her child, and does not need Tom’s consent. Tom’s only right is to receive information about the child.

**Who are the guardians?**

Kristy and Tom

**Who makes decisions for the children?**

Kristy

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**Yolande and Martin**

Yolande and Martin are both 16 years old and they just had a baby. Yolande lives with her mom, Wendy, and the baby. Wendy helps with the baby a lot and takes the baby to doctor’s appointments and to daycare. They all decide together that it would be a good idea to have Wendy be the baby’s guardian too, since she is so involved with the baby.

**Who are the guardians?**

Yolande, Martin and Wendy

**Who makes decisions for the child?**

Yolande, Martin and Wendy

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**Ashley and Joshua**

Ashley and Joshua have a very brief relationship. Ashley gets pregnant and has the child. Joshua doesn’t believe that he is the father, and he doesn’t want anything to do with Ashley or the child. He’s angry when the paternity test proves that he is the father. Ashley applies for sole guardianship, and Joshua doesn’t fight her application so the judge orders sole guardianship. Joshua is ordered to pay child support.

**Who are the guardians?**

Ashley

**Who makes the decisions for the child?**

Ashley
Can Emily decide who she wants as the child’s guardian if something were to happen to her?

A will is a document that sets out what will happen to property when a person dies. A will can name a guardian for a child. This means that if something were to happen to Emily, then the guardian named in her will would become the child’s guardian. The new guardian would only have the powers that Emily had when she died.

If Matthew is also the guardian, and Emily names a different guardian in her will, then the guardians should try their best to work together. If that isn’t possible, then a court application can be made for a judge to determine guardianship. If someone else thinks they are more appropriate to be a guardian, then they can make an application for guardianship.

Can the child be taken away from the parents?

If Children’s Services is concerned about the child, then they can investigate. There are rules and policies that must be followed during this investigation.

After the investigation, they may decide that they don’t need to be involved with the parents, or that the parents need some extra help. If they decide that the child needs protection, then they can remove the child from the parents’ care. There will be a hearing scheduled. All decisions are made in the best interests of the child.

If there is Children’s Services involvement, then it is very important that the parents talk to a lawyer in order to protect their rights. If the parents aren’t sure where to go for legal help, they should call Legal Aid Alberta at 1-866-845-3425.

It is a good idea to keep a journal that sets out what is happening in your child’s life. This journal should include details of the visits and the time that the child spends with the other guardian. The journal can help if you have a dispute with the other guardian over parenting time or guardianship.

March 10, 2014
The baby smiled today! Matthew came to visit for a while. He took the baby for a walk in the stroller for about a half hour. I stayed home. I told Matthew about the baby’s check up with the doctor next week. He said that he couldn’t go and that he won’t be able to come back for a week or so.

March 15, 2014
The baby had a check up today and everything is good. She is very healthy.

March 20, 2014
Matthew texted me this morning to find out if he could come over to visit the baby. I said no, because I already had plans to take the baby for a visit with my Aunt Cindy. Matthew got mad and told me that he was going to come by anyway. I went to Aunt Cindy’s at 3:00 and he still hadn’t come. I walked over to Aunt Cindy’s with the baby because it was nice outside.

March 21, 2014
I took the baby to a young mom class with me this morning. Matthew texted me to find out if he could see the baby. I told him to come between 4:00 and 6:00, because then the baby would be awake. He sent me a text at 3:00 saying that he had to go to work so he couldn’t come. He asked to come tomorrow. I said yes.

March 22, 2014
Matthew came to see the baby today, but he only stayed for a few minutes. He said he had to work again tonight. He’s going to come over on Saturday with his sister for a few hours. I went to the mall with the baby today and hung out with some friends.

TIPS
- Stick to the facts
- Don’t make stuff up
- Don’t include a lot of details about your feelings
- Include the baby’s milestones
- Include activities that you do with the child
The Law and Living Together

Emily and Matthew decide that they are going to move in together. They get help from a social worker to find somewhere to live with their child that they can afford to rent.

Are Emily and Matthew living common law?

The term “common law” is often used to describe a couple who live together, with or without children, but who are not legally married. In Alberta, the law doesn’t use the term “common law” but instead these relationships are called adult interdependent relationships. There are certain conditions that must be met to be in an adult interdependent relationship.

Can minors get married?

Females who are under 16 years old cannot get married, unless:
- she is pregnant or already has a child; and
- a doctor has provided a certificate confirming the situation.

People who are 16 and 17 can marry if they have their parents’ permission, or if they have a court order allowing them to get married.

People who are 18 are free to marry without needing any parental consent.
ARE YOU IN AN ADULT INTERDEPENDENT RELATIONSHIP (AIR)?

Are you living with someone?

NO ➔ You are not in an AIR

YES ➔ Do you and your partner:
• share one another’s life?
• function as an economic and domestic unit? For example, share bills, chores, property, and rely on each other financially?
• are you emotionally committed to one another?

YES ➔ Are you related by blood or adoption?

NO ➔ You are not in an AIR

YES ➔ Are both people over the age of 18?

NO ➔ Do you have a child with this person?

YES ➔ Have you signed an Adult Interdependent Agreement?

NO ➔ You are not in an AIR

YES ➔ You are in an AIR

NO ➔ You are not in an AIR

YES ➔ Have you lived for more than 3 years together?

NO ➔ Have you signed an Adult Interdependent Agreement?

YES ➔ You are in an AIR

NO ➔ You are not in an AIR
Emily and Matthew have been fighting a lot and they decide that they should break up. They know there is a lot to figure out, like where their child will live, and child support. They aren’t sure where to start.

How can they come up with solutions?

Emily and Matthew will have to decide some issues about parenting and child support. There are many different options for coming up with agreements.

**HOW TO MAKE AGREEMENTS WITH THE OTHER PARENT**

More control you have over decisions

DIY  Mediation  Collaborative Family Law  Courts  Less control you have over decisions

**DIY**

They can work together to come up with an agreement. The agreement should be put in writing and it is a good idea for each of them to talk to a lawyer independently to find out if the agreement is fair and legally enforceable.

**Mediation**

A mediator helps parents work together to come up with solutions that work for everyone. The mediator is a neutral person and won’t take sides. The mediator won’t force an agreement on anyone and will help parents come up with agreements that everyone can accept and that are in the best interests of your child.
Collaborative Family Law
Each parent has their own lawyer, but everyone works together to come up with solutions. Everyone signs an agreement that says they will all work together and that no one will go to court. If court is necessary, then the parents have to hire new lawyers.

Limited Scope Retainers
A limited scope retainer is an arrangement when a lawyer provides legal services for part of a legal matter, but not all of it. The parts that the lawyer will be responsible for is something that has to be agreed upon ahead of time. For example, the lawyer could draft the documents, while the parent would represent themselves in court.

Does it matter if they were living common law or if they were married?
Yes, because the law is different depending on their situation. People who are married can use the Divorce Act or the Family Law Act to sort out parenting arrangements and financial support for the child. Parents who are not married must use the Family Law Act.

WHAT LAW CAN I USE?

Are you legally married?

YES
You can choose to use either the Divorce Act or the Family Law Act.

NO
You can use the Family Law Act.

Who gets to decide where the child will live?
If both parents are guardians, then they can work together to decide where the child will live. As the child ages, the agreement can be updated. If Emily is nursing the baby, then the baby will not be able to spend a significant amount of time away from Emily. Maybe Matthew could come to Emily’s house to visit with the baby while the baby is very young. As the baby grows and Emily stops nursing, Matthew’s degree of involvement and time spent with the child can increase.
What happens if Emily does not want Matthew to have any contact with the baby?

A judge makes decisions about parenting time by thinking about what is in the child’s best interest. Judges think that it is in the best interest of the child to have relationships with both parents, and for the child to spend time with both parents. It is rare that a judge would refuse to allow one parent to have contact with the child. If a judge had concerns about the contact, then the judge might order that there be conditions placed on contact (for example, supervised access).

Emily cannot refuse to allow Matthew to have contact with the baby if there is an agreement or court order that says Matthew can have contact with the child.

If Emily is concerned about the child’s safety when the child is with Matthew, then she can apply to court to vary the parenting arrangement or order.

There is a booklet in this series on parenting rights if you require more information. You can find the Families and the Law: Parenting booklet at www.cplea.ca
What is child support?

Parents have a legal obligation to provide financial support for their child, which is called child support. This obligation starts when the child is born, and continues at least until the child turns 18. Even if one parent does not see or live with the child, that parent is still obligated to provide child support.

Child support is the right of the child. This means that the parents cannot waive the right of the child to be financially supported.

Which parent pays child support?

Who pays support depends on which parent the child lives with. If one parent has the child over 60% of the time, then the other parent will have to pay child support. If the parents have the child for a relatively equal amount of time, then the parents would have to figure out how much child support they each have to pay to one another. They would set off the amounts off of each other, and the remaining amount would be what would have to be paid.

Child support is complicated.

To learn more about how child support is determined, please see the booklet, *Families and the Law: Financial Support*.

How much child support will be paid?

Child support amounts are determined by the income of the person who is paying the child support. There are tables for each province. It is important that the parents share income information every year, so that the child support amount can be updated to reflect current income.

Who pays for a child’s extracurricular activities?

Extracurricular activities, like sports, music lessons, and classes, are usually shared between the parents in proportion to their income.

If child support isn’t being paid, does that parent still get to see the child?

Yes. Child support and parenting time are two different issues. If a parent is obligated to pay child support but doesn’t, that parent still has the right to spend time with the child.
Contacts

Legal Aid Alberta - Service Centres  
Offers information, referral and representation services to those who meet financial guidelines across Alberta.  
1 866 845 3425

ADR Institute of Alberta  
Has a roster list of private mediators.  
www.adralberta.com  
1 800 232 7214

Collaborative Divorce in Alberta  
Has a list of lawyers who practice collaborative law in Alberta.  
www.collaborativepractice.ca

Law Society of Alberta Lawyer Referral Service  
Can provide the contact information for three lawyers you can contact. You should receive a half hour free consultation.  
1 800 661 1095

Family Justice Services  
Offers a variety of low cost and free programs to help individuals find solutions to family law issues.  
www.albertacourts.ab.ca/fjs/index.php

Family Law Information Centre  
Can help you with court procedure, forms and child support calculations, as well as provide you with information and referral.  
www.albertacourts.ab.ca/fjs/flic.php

Legal Clinics  
Clinics can provide you with legal information and advice.

Calgary Legal Guidance  
403 234 9266  
clg@clg.ab.ca

Central Alberta Community Legal Clinic  
1 877 314 9129  
info@communitylegalclinic.net

Children’s Legal & Educational Resource Centre (CLERC)  
403 207 9029  
clerc@clerc-calgary.ca

Edmonton Community Legal Centre  
780 702 1725  
intake@eclc.ca

Lethbridge Legal Guidance  
403 380 6338

Grande Prairie Legal Guidance  
780 882 0036  
gplg@thecommunityvillage.ca

Student Legal Assistance (Calgary)  
403 220 6637

Student Legal Services (Edmonton)  
780 492 8244

The **Families and the Law** series has several booklets to help you understand Family Law in Alberta:

- Child Custody and Parenting
- Financial Support
- Property Division for Married and Unmarried Couples
- Representing Yourself in Family Court
- Young Parents

To find these booklets and more, go to [www.cplea.ca](http://www.cplea.ca)