

Handout 9: Rights of Children and Responsibilities of Parents

Rights and Responsibilities

If you are married, or if you have been in a common-law relationship for two years or more, you have legal rights and responsibilities about caring for children and caring for each other.

Right to Access

In some cases, one parent will have *sole* custody. In this arrangement, the child lives with one parent most of the time. The responsibilities for taking care of the child and making decisions about the child belong to that parent (also referred to as the custodial parent). The other parent, however, still has *access* to the child and the right to certain important information about the child such as medical information. Custodial parents must act in accordance to the *Divorce Act*. This means that they must act in a way that encourages the child in his or her relationship with the other parent.

<http://www.justice.gc.ca/eng/pi/fcy-fea/pa-ep/index.html>

Child Support

The law says that both parents must support their children financially, even when the marriage breaks down. In BC, this legal responsibility to support a child usually lasts until your child is 19. If your child remains a dependent after that age, the obligation may continue.

If a child is living with one parent, the other parent usually must pay support money. Parents must follow rules called the Child Support Guidelines. The Guidelines help set a fair amount of support for children. The Guidelines consider such things as how much money the parent makes and how many children need support. The Child Support Guidelines make sure that children continue to benefit from the financial means of both parents.

When you are deciding on how much financial support the child needs, you must follow the Child Support Guidelines, at a minimum. If you and the other parent can't agree, you may have to go to court, where a judge will apply the Child Support Guidelines.

What if a Parent Refuses to Pay Child Support?

The provincial government has a program called the Family Maintenance Enforcement Program. The people who work in this program can help if a parent is not paying the money the judge said he or she must pay to support the children, or the money that he or she agreed in writing to pay.



If a parent does not pay child support, the Family Maintenance Enforcement Program may take the money directly from the parent's pay cheque or bank account. Other things that may happen if a parent refuses to pay:

- He or she may lose his or her driver's licence.
- The Canadian government may take away his or her passport.

Wife Assault is a Crime

All kinds of men beat women: rich men and poor men, immigrant men and Canadian men. One woman in 10 in Canada is beaten by a husband or partner.

When one person beats another person, it is a crime. The crime is called assault. It doesn't make any difference if the people are living together. Wife assault is a crime.

If someone complains to the police, such as a neighbour, a relative, or the victim, the police will arrest the man or take the woman to a safe place. A transition house is a safe place. A woman can stay there for up to a month. It is free.

Children Have the Right to be Protected and Cared For

Sometimes parents don't take care of children (all those under the age of 19). Maybe they leave the children alone, or hurt them or don't give them enough food.

The law says that if a neighbour, a teacher, a doctor, or a relative knows about this, they must phone a social services office. Then a social worker will visit the family to check on the child. If the social worker thinks that the child is in danger, the social worker can remove the child from the home to a safe place. The social worker and the parents will have to go to court. The social worker has to prove in court that the child was in danger. The parents have the right to argue that their child should not be taken away from them. The parents should have a lawyer. If they can't afford a lawyer, they should go to a Legal Services Society office before the first court hearing.

The law is to protect children. The judge has to decide if the child needs protection. Then the judge will decide what will happen to the child.

Help for Children

Sometimes adults hurt children. Parents, relatives, or other people hit or beat a child. Sometimes an adult does sexual things to a child. This is a form of child abuse. It is against the law.

Phone Helpline for Children: 310-1234 (toll-free in BC, no area code needed).