

PARENTING

Your Legal Rights & Responsibilities



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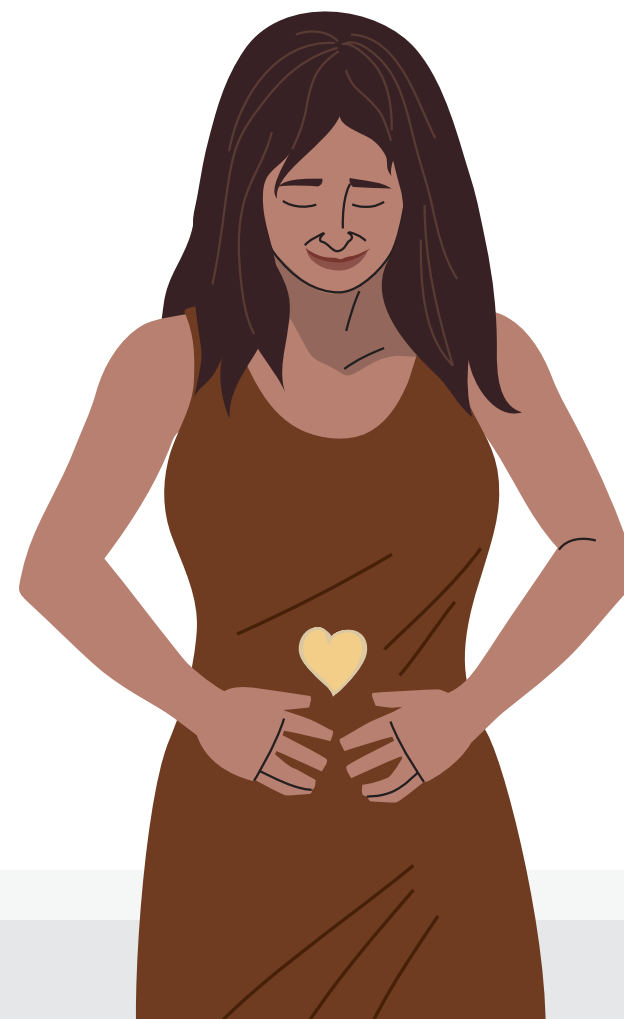


So you are about to give birth to your first child?

WHAT'S NEXT?

Becoming a new parent can be a confusing, happy and scary time. We hope this booklet provides you with some vital legal information to guide you to understanding some of the legal requirements of being a parent.

As a parent, you have rights and responsibilities that are important to raising a healthy family. This booklet is only a guide. The law is always changing. We strongly encourage you to seek help and support from the appropriate service provider in order for you to make the best decision for you and your family.



BearPaw Media and Education at Native Counselling Services of Alberta (NCSA) produces and distributes culturally relevant, Indigenous public legal education and information (PLEI) publications, videos and workshops created by Indigenous people, for Indigenous people, in Alberta. Our goal is to increase individual legal literacy and build individual capacity through multi-media resources that encourage Indigenous people to self-determine as they navigate through legal systems.



If you need emergency help with food, medical services or anything else, you can phone the Income Support Contact Centre:
1-866-644-5135

PREGNANCY

? Are my conversations with a doctor confidential?

If you are an **adult and able to make informed decisions**, conversations between you and your doctor are confidential. There are some exceptions where a doctor is required by law to report information to the authorities. For example, the Child, Youth and Family Enhancement Act requires them to report suspected child abuse.

If you are a **minor (under 18 years of age)**, your doctor will determine if you are a “mature minor” who can make informed decisions. You may be determined to be a “mature minor” around the age of 16, but may be as early as 14 depending on the circumstances and the person.

If you are **determined to be a mature minor**, the doctor needs to ask you what they can/cannot tell your parent(s) or guardian(s). The doctor will ask your consent if your parent asks about your personal information. If you do not want to share any information with your parent(s), you and your doctor do not have to.

If you are **not determined to be a mature minor**, you will not have the privilege of doctor confidentiality.

(Information taken from the Code of Ethics and Professionalism of the College of Physicians & Surgeons of Alberta, www.cpsa.ca)



? Should I be on a special diet?

Women who are pregnant or breastfeeding need to take a multivitamin with folic acid every day. If you are pregnant, your multivitamin needs to have iron in it, too.

When you are pregnant or breastfeeding you need to eat more than usual. You should eat 2–3 more servings per day.

Read more here:

<https://food-guide.canada.ca/en/tips-for-healthy-eating/pregnant-breastfeeding/>

(Information taken from Health Canada www.hc-sc.gc.ca)

? What if I am denied housing, services, employment or if someone treats me unfairly because I’m pregnant?

You do not have to tell a possible employer that you are pregnant or planning to become pregnant. Employers cannot ask you if you have a baby at home or about your daycare arrangements.

In Alberta, a landlord cannot refuse to rent to you because of your race, family status or marital status. They could refuse to rent to you if you are under 18.

If you are refused a service or a job because of your pregnancy or child in your care, you should contact the Alberta Human Rights Commission immediately. They will let you know if your human rights were violated and can let you know if you have a legal complaint.

Call the Confidential Inquiry Line: 780-427-7661

Or contact the Alberta Human Rights Commission

310-0000 for a **free call** to an Alberta government office.

Northern Alberta: 780-427-6013

Southern Alberta: 403-297-6567

*Information from Alberta Human Rights Commission
www.albertahumanrights.ab.ca*

EMPLOYMENT LEAVES AND BENEFITS

Maternity and parental leave are the time off you receive from your employer before and/or after your child is born. Maternity and parental benefits are the money you may be eligible to receive while you are on a leave.

The *Alberta Employment Standards Code* says:

- A birth mother must take at least six weeks of health-related leave (Maternity Leave) after the birth of her child. The only way that a birth mother does not have to take the full six-week leave is:
 - If her employer agrees that she can return to work early, **and**
 - She provides a medical certificate indicating that it will not endanger her health by returning to work.
- If both parents work, the parental leave may be taken by one parent or can be shared between both parents.



MATERNITY AND PARENTAL LEAVE

	MATERNITY LEAVE	PARENTAL LEAVE
Who qualifies?	Birth mothers	Working mothers and fathers or adoptive parents.
How long do I need to work to be eligible?	You must have worked at least 90 days for the same employer. This applies to both part-time and full-time workers. If you have worked less than 90 days, your employer may still grant maternity leave but is not required to. Through Human Rights law, you are still eligible to take sick leave when pregnant.	You must have worked at least 90 days for the same employer. This applies to both part-time and full-time workers. If you have worked less than 90 days, your employer may still grant paternity leave but is not required to.
How much notice do I need to give?	A birth mother must give her employer at least six weeks written notice before she begins her leave, if possible. In certain situations, an employer may request that maternity leave is started at an earlier date than planned.	You must give six weeks written notice to your employer of the date the leave will begin and the length of the leave. You must give your employer at least 4 weeks of written notice before the date you intend to return to work or if you decide to change your date of return.
How much time off do I get?	A birth mother has up to 16 consecutive weeks of unpaid maternity leave and up to a total of 62 weeks of unpaid parental leave that can be shared between the parents.	Working parents, including adoptive parents, have the right to take up to a total of 62 weeks of unpaid parental leave that can be shared between the parents.
When can I start my leave?	A birth mother can start her maternity leave within 13 weeks of her estimated due date.	The parental leave for birth mothers must begin immediately after the maternity leave unless the employer agrees otherwise or the child is hospitalized at the end of the maternity leave. Parental leave for working parents (adoptive or biological) may begin once the child is born, or from the time the child is placed with you. Parental leave must be completed within 78 weeks of this date.
Do I get my job back?	After maternity leave is complete, an employer must allow the birth mother to return to her job or a similar job with no decrease in pay or benefits.	If you fail to give notice, or fail to report to work the day after your leave ends, your employer is under no obligation to put you back in your job unless there were unforeseeable or unpreventable circumstances.

MATERNITY AND PARENTAL BENEFITS

You may be eligible for Employment Insurance (EI) during your maternity leave if you have a total of 600 insured hours in the last 52 weeks or since the start of your last claim. These are called “maternity benefits.”

If you qualify, you will get up to 55% of your regular wages for a maximum of \$573 per week. Maternity benefits are paid for a maximum of 15 weeks. You may start collecting maternity benefits either up to 12 weeks before the expected due date or the date you give birth.

If your pregnancy ends in a miscarriage or stillbirth within the first 20 weeks, you may qualify for sickness benefits.

To qualify, you must have worked 600 hours in the last 52 weeks or since your last claim. You can receive up to 15 weeks of sickness benefits.

Biological mothers, fathers and adoptive parents may apply for standard parental benefits or extended parental benefits through Employment Insurance. Standard parental benefits provide up to 55% of your regular salary, for a maximum of \$573 per week, for up to 40 weeks, but one parent cannot exceed 35 weeks. Extended parental benefits provide up to 33% of your regular salary for up to 69 weeks, but one parent cannot exceed 61 weeks. Biological mothers can apply at the same time as applying for maternity benefits. To qualify, you must have worked 600 hours in the last 52 weeks or since your last claim for standard parental benefits or 78 weeks for extended parental benefits.

Parental benefits can be claimed by one parent only or shared between parents. However, to share the benefits, both parents must qualify.

If your baby needs to stay in the hospital after birth, the time limit on receiving your maternity benefits may be extended from 17 weeks to up to 52 weeks and your payments may be suspended until the child leaves the hospital. For standard parental benefits and extended parental benefits, the 52 week and 78 week timeframe may be extended by the number of weeks your child is in the hospital. You will still only be eligible to receive the benefits for 35 weeks.

If your pregnancy ends by miscarriage or stillbirth in the 20th week or later, you are eligible to receive maternity benefits but not parental benefits.



AM I A GUARDIAN?

According to the Alberta Family Law Act:

A parent of a child is a guardian if they acknowledge that they are the parent of the child and demonstrate an intention to assume the responsibility of being a guardian of the child within one year of the birth of the child, at the latest.

A person may also be considered a guardian where they are married to the other parent at the time of birth, are in an adult interdependent partnership at the time of or after the birth, as a result of an agreement with the other parent, where voluntary financial or other support is provided for the child, etc.

Why is guardianship important?

All guardians are obligated to financially support their children and are responsible for the development and well-being of their children except where the guardian is neither a parent of the child nor a person standing in the place of a parent of the child.

NAMING AND REGISTERING YOUR CHILD

? How do I choose a last name for my baby?

In Alberta, the Vital Statistics Act sets out the rules for naming and registering your baby.

When your baby is born, you must give them a name to register the birth. The name must consist of a last name and a given (first) name.

? How do I register my baby?

You must register the birth of your baby within one year of the birth by filling out a *Registration of Birth* form. The mother fills out the form unless the parents are married. If the parents are married, either parent can complete the form. It is important to fill out this form correctly because it creates the legal identity of your child.

The person who signs their name on the *Registration of Birth* is the child's legal guardian.

The *Registration of Birth* form should be left at the hospital where your child was born. The hospital will forward the form to the Vital Statistics office.

Alternatively, registration of the birth may be completed online using the Online Birth Registry at: obrs.alberta.ca

If you have more than one baby, you must fill out a registration form for each child.

You must apply and pay a fee to get a copy of your baby's birth certificate. Simply go to any Alberta registry, show your ID and provide your child's information. A birth certificate will be mailed to you.

When you register your baby's birth, you may also apply for your baby's Social Insurance Number (SIN) at the same time. SIN is needed to gain access to certain Canadian government programs and benefits (for example, Registered Education Savings Plan). To get a SIN, you add your signature in the request for a SIN for my child section at the bottom of the *Registration of Birth* form or apply for a SIN through the Newborn Registration Service online (obrs.alberta.ca). There is no fee to apply. This service is only for parents registering.

➔ To find the form, go to "alberta.ca" and search "Correct a birth record."

? How do I make changes to the birth registration?

If one parent does not sign the *Registration of Birth* form at birth but wants to do so later, the parent can ask that the registration be changed to include their information.

Both parents will have to complete an affidavit and Statutory Declaration of parentage at the Vital Statistics office. The surname of the child may also be changed at this time.

If the parents cannot agree to change the birth registration, the parent who is not on the birth registration can go to the courts and ask to register their name. The parent will have to prove the particulars of parentage.

? Can I change my child's name at a later date?

A parent or guardian may change their decision about a child's name (first or last) after the birth. If a parent or guardian wishes to change the name of child under 18 years of age, all parents listed on the child's birth record, or all of the child's guardians, must consent. If the child is 12 or older, the child must also consent to the change.

? How do I make corrections to my baby's registration?

If you need to request a correction within 90 days of your child's birth, there is no fee. Otherwise, there is a \$20 fee.

If you need to make a correction to your baby's registration, you need to submit an "Amendment Request."

Contact Service Alberta at
310-0000
for more information.



INDIAN STATUS AND MÉTIS NATION MEMBERSHIP

“Indian Status” is a specific legal identity of an Indigenous person who is registered as an “Indian” under Section 6 of Canada’s Indian Act.

If you or your child are registered, your names are added to the Indian Register – a central registry maintained by Indigenous Services Canada (formerly Indian and Northern Affairs Canada).

Indigenous people with Status may be eligible for a range of rights, benefits, and access to programs and services from the federal and provincial or territorial governments such as Treaty payments, education funding, non-insured health

benefits programs and potential tax benefits.

Indian Status is widely acknowledged as a race and sex-based legal definition rather than a true representation of Indigenous ancestry and cultures. Some Indigenous people consider Status to be an affirmation of our ancestry. In urban areas, Indian Status can help provide some of us with a sense of belonging to our communities when we are far from our ancestral homelands. For those who are not eligible for Status, it can cause some of us to question our own claim to an Indian identity and our legitimacy and authenticity as an Indigenous person.

Information taken from BearPaw’s publication “(Re)Claiming Indian Status”, Indigenous Services Canada (sac.isc.gc.ca) and Métis Nation of Alberta (www.albertaMétis.com)



For more information, go to BearPawLegalResources.ca to find our (Re)claiming Indian Status booklet.

? Is my child (15 years of age or younger) eligible for Indian Status under the Indian Act?

In general, you or your child may be eligible for Indian Status if your parent, grandparent or great-grandparent had status or were eligible for status on your mother or father’s side.

To help determine if you or your child are eligible for status, ask yourself:

- Do my parents have status?
- Does one of my relatives already have status?
- Did my mother, grandmother or great-grandmother lose their status?

If you answered “yes” to any of these questions, you or your child may be eligible for Indian status.

As of August 15, 2019, all descendants born prior to April 17, 1985 to women who lost Indian Status or were removed from band lists because of their marriage to a man without Status dating back to 1869 will be entitled to registration, bringing them in line with the descendants of men who never lost status. For more information about the 1951 cut-off, go to: www.rcaanc-cirnac.gc.ca/eng/1540403451139/1568898699984

If you have specific questions about the eligibility of your child, contact Indigenous Services Canada at 1-800-567-9604.

How do I register my child for Indian Status under the Indian Act?

**If your child is 16 years of age or older, please read BearPaw’s (Re)claiming Indian Status publication available at BearPawLegalResources.ca for how to apply for status as an adult.*

To register your child under the Indian Act, you must fill out and submit “An Application for Registration on the Indian Register and for the Secure Certificate of Indian Status.” Now there is only one application for Status and to receive a Status card.

To find the application form, go to: Canada.ca and search “Indian Status Application” or go to:

<https://www.sac-isc.gc.ca/eng/1462806841047/1572461062751>

For questions on amendments to the Indian Act, including on the removal of the 1951 cut-off date and on how to apply for Indian Status, call 1-844-280-5011.

If you have applied for Indian Status and have questions regarding your application, call 1-800-567-9604, select “Indian Registration” and follow the menu prompts.

If you have other questions, contact Public Enquiries at:

Email: aadnc.infopubs.aandc@canada.ca

or by phone (toll-free):
1-800-567-9604 (TTY) or 1-866-553-0554

To find all application forms for Indian Status, Status cards, and updates to the Indian Registrar, go to:

www.sac-isc.gc.ca/eng/1462806841047/1572461062751

? Can my child live on reserve?

According to the **Indian Act**:

Any member of a band can reside on reserve with their dependent children.

Band councils can create residency bylaws that regulate living on reserve but cannot deny individual rights to live on reserve through the **Indian Act**.

? How do I register my child with their band?

The **Indian Act** sets out the rules for First Nation membership.

A First Nations Band can either decide their own membership rules, or membership may be determined by the **Indian Act**. If a Band determines its membership rules, it will have specific rules a child must meet in order to be eligible for membership.

If a band's membership is determined by the **Indian Act**, your child will automatically be recorded as a member of the specific band when the child is registered for Status.

Some Bands determine their own membership guidelines so your child may not automatically be eligible for Band membership if he or she holds a Status card. In cases where a Band decides its own membership rules registering to be a Status Indian is a separate process from applying to be a Band member.

? What is the difference between Band Membership and Indian Status?

Band membership and Indian Status are not always one in the same.

Band membership entitles individuals to vote in Band elections, reside on reserve, and vote on matters involving reserve land.

Status Indians *may be* eligible for a range of benefits and access programs and services from the federal, provincial or territorial governments such as treaty annuity payments, education funding, non-insured health benefits and potential tax benefits under the Indian Act.

MÉTIS NATION MEMBERSHIP

? How do I register my child with the Métis Nation of Alberta?

Generally, a person cannot have Métis Status and Indian Status at the same time. To register your child with the Métis Nation of Alberta, you need a copy of your child's birth certificate, proof that your child has been a resident of Alberta for 90 consecutive days, picture ID of your child and a completed genealogy tree dating to the 1880s.

To get a copy of the application form, go to albertametis.com and click on the "Registry and Membership" option. Contact the Métis Nation of Alberta Registry Department at 1-800-252-7553.

? What does it mean to be registered with the Métis Nation of Alberta?

When a child is registered with the Métis Nation of Alberta, they are recognized as a Métis person by the Métis Nation of Alberta.

? What are the benefits of Métis citizenship?

When you are a citizen of the Métis Nation of Alberta you are an important part of ensuring our culture and history remains vibrant. Citizenship may allow access to opportunities such as:

- Funding for post-secondary education
- Access to Métis cultural events
- Youth Native Hockey Provincials
- Housing opportunities
- Apeetogosan Business Development services
- Free access to National Parks and historic sites in Alberta
- Métis Harvesting identification and rights

Information taken from:
<http://albertametis.com/registry/>

? Can my child live on a Métis settlement?

The **Métis Settlements Act** determines the rules for living on Métis settlements. Each Alberta Métis settlement has its own rules for living on or returning to a settlement.

For more information, contact your Métis settlement for further information.

? What if my child is non-status or Inuit?

For more information regarding non-status individuals, contact the Congress of Aboriginal Peoples at 613-747-6022.

Inuit individuals may contact the Inuit Tapiriit Kanatami at 613-238-8181 or 1-866-262-8181 (Toll free).

Information taken from
www.child.alberta.ca

ADOPTION

In Alberta, adoption law is found in the **Child, Youth and Family Enhancement Act**. Adoption is a legal process that creates new parent-child relationships. The adopted child becomes the legal child of the adoptive parent(s) and is no longer the legal child of their birth parents.

Description	Consent of biological parents needed?	When is the adoption legal?	Can the adoption be appealed?
Government Adoption			
<p>The Alberta Government controls adoptions for children who are under the permanent care of the Alberta Children's Services.</p>	<p>X</p>		<p>An Adoption Order can be appealed to the Alberta Court of Queen's Bench within 30 days.</p>
Private Adoption			
Agency Adoption			
<p>Birth parent(s) select an agency and complete a medical and social history. This provides information on their health, family history and the reasons they have chosen adoption.</p> <p>The birth parent(s) select the adoptive parent(s) and may include them in the pregnancy and birth process, if they wish.</p> <p>When the child is born, the birth parent(s) are the legal guardians of that child. The release of the child happens after the birth parent(s) sign the adoption consent form.</p>	<p><input checked="" type="checkbox"/></p>	<p>Once an Adoption Order is signed, registration papers are changed. The adoptive parents are the child's legal guardians.</p>	<p>The birth parents have 10 days to change their mind(s) about the adoption.</p> <p>A final adoption hearing in court takes place 4-6 months after the child is in the custody of the adoptive parent(s).</p> <p>An Adoption Order can be appealed to the Alberta Court of Queen's Bench within 30 days.</p>
Relative Adoption			
<p>The adoption can occur without going to court. The court reviews the submitted papers and decides whether to grant the adoption. The papers explain the history of the child, the relative's relationship with the child and why that relationship should be legally recognized by adoption. A parent under 18 can consent to adoption.</p>	<p>Sometimes. All guardians but not necessarily the parents of the child need to consent.</p>	<p>Once an Adoption Order is signed, registration papers are changed. The adoptive parents are legal guardians.</p>	<p>An Adoption Order can be appealed to the Alberta Court of Queen's Bench within 30 days.</p>

PARENTAL RESPONSIBILITIES

? What am I required, by law, to do for my child?

According to the Canadian Criminal Code:

You must provide your child with the necessities of life. These include those things necessary to preserve the life and the health of your child. This means food, clothing, shelter, and medical care.

According to the *Alberta Child, Youth and Family Enhancement Act*:

Parents must make sure their children are cared for. Children cannot be abused or neglected. Child abuse happens when parents or others physically, emotionally, or sexually mistreat a child. Child neglect happens when parents do not meet the basic needs of their children for housing, clothing, health care, affection, education and discipline.

As a parent, you are required to provide your child with:

- Reasonable care, supervision and discipline
- Safe and healthy home
- Adequate food
- Medical attention if/when needed
- Education
- Affection and attention

? Who will take care of my child if something happens to me?

According to the *Alberta Wills and Succession Act* and *Family Law Act*:

A will outlines your wishes in the unfortunate event of your death.

In your will, you can name a guardian for your child. You are saying that, if something happens to you, you would like that particular person to look after your child. The court will make the final decision but would take your wishes into account. Be sure to ask the person you would like to have as your guardian if he or she will do this. A lawyer can give you advice about this.

What if my child is sick?

- ? If you have questions about when to take your child to the doctor or about any of their health conditions, call **Health Link Alberta, 24/7 at 1-866-408-5465 or 811.**

Effects of parents' relationship on a child

As a parent, you may be married or living with your child's other parent or, you may have no relationship at all with the other parent. Whatever your situation, the state of your relationship will influence your child's well-being.

Children should be encouraged to develop many support systems within their family and community.

SPLITTING UP OR LIVING SEPARATELY

Ending a marriage

According to the *Canadian Divorce Act*:

- If you are married or want to divorce you must prove a breakdown in the marriage
- To prove a breakdown, you can live separately and apart for one year.
 - **Or** the spouse who wants a divorce needs to prove the other cheated or was abusive.
- If you have children together, you are both responsible for supporting the child.
- If you can, try to make a parenting plan together.
- For more information, contact a family lawyer.

? What if we were living together but never legally married?

In Alberta, the *Adult Interdependent Relationships Act* says:

- If you are living together but are not legally married, then you are in an "adult interdependent relationship." This used to be called a "common-law relationship."
- Federal laws, employers, insurance and pension plans may have different rules for recognizing adult interdependent relationships.
- If you have a child together, you are both responsible for supporting the child.
- If you can, try to make a parenting plan together.

? What does "best interest of the child" mean?

When you go through a separation, a family court judge will make decisions based on the "best interest of the child." This is the most important factor in the court's decision. The court will also take into consideration:

- Child's physical, emotional, and psychological well-being
- History of care of the child
- Benefit for the child developing relationships with both parents
- Nature and strength of existing relationship with the child
- Child's views and preferences
- History of violence involving the child
- Any civil or criminal charges that may be relevant to the child's safety or well-being



PARENTING AND CONTACT AGREEMENTS AND ORDERS

In Alberta, the *Family Law Act* sets out the rules for parenting and contact orders. Parenting and contact agreements and orders help decide a child's time spent between parents after parents no longer live together.

? What is parenting time?

A parent's time with a child is called "parenting time." This replaces the old terms of "custody" and "access."

Mediation services can be used to create an agreement between parents. Mediation services are provided by Family Justice Services for families with a child under 18 and one parent with an annual income of less than \$40,000.

Call Family Mediation Services at 780-427-8329 or 310-0000 (Toll Free).

If you agree to make a Parenting Agreement

If parents can agree on how to share the responsibilities of guardianship after separation, they can do so without the help of the court. This is called a "parenting agreement."

? What is a caseflow conference?

- A caseflow conference is a meeting to discuss parental responsibilities in a less formal setting.
- A caseflow coordinator cannot impose court orders.
- If both parents agree to a claim, the coordinator can organize consent documents and arrange for a consent desk order so that neither parent will have to appear in court.

? If you cannot agree, you'll need a Parenting Order

If parents cannot agree, either parent can apply for a "parenting order." This used to be called a "custody or access orders."

The parenting order includes parenting time and parenting responsibilities. A parenting order is made in the best interest of the child.

If a parent does not have a lawyer, their case is automatically referred to the Caseflow Conference Program, a program in the Provincial Court of Alberta.

- You will be provided with a family courtworker and will attend a caseflow conference.
- If you need an Indigenous family courtworker, contact Native Counselling Services of Alberta (NCSA).

➔ Visit nca.ca/contact to find your local NCSA office.

? Can a parenting or contact agreement or order be changed?

Parenting agreements and orders can be changed. For example, if a guardian is moving and more parenting time is needed for travel, changes may be considered. If a guardian had little involvement and wants increased parenting time, a change may be considered.

If parenting or contact agreements have been made without the help of the courts, changes can be agreed upon without the help of the courts.

Guardians and non-guardians may change a parenting or contact order by using mediation services through Family Justice Services.

Guardians and non-guardians can also apply to the court to change a parenting or contact order.

Mediation services or the court must be convinced the change will be in the best interests of the child.

? What are grandparents, aunts or uncles rights to my child?

Relatives can be an important support system for your child. If there is disagreement regarding contact between a child and a non-guardian (grandparent, aunt, or uncle), try using methods like mediation to come to an agreement. This is called a "contact agreement."

Making a Contact Order

If a "contact agreement" cannot be made or if contact has been denied, a non-guardian (like a grandparent, aunt, uncle, etc.) needs to prove to the court that they had a prior significant relationship with the child. They may be granted contact with the child if the judge says yes to a "contact order." The judge makes their decision on what is in the best interest of the child.

? What if a parenting or contact agreement or order is broken?

Sometimes a parent or non-guardian breaks the terms of a parenting or contact agreement or order. For example, one parent may not return the child when expected.

When a parenting or contact agreement or order exists and an individual is breaking the terms of that agreement or order, the other parent or non-guardian may use the family law system to deal with the violations.

- Mediation can be used to negotiate a new agreement.
- The police can become involved to enforce an order, if they find it necessary.
- The individual that is preventing parenting time or contact may be forced to pay money to the other parent or non-guardian or provide make-up visits.



Parental Abduction

If a parent removes and hides a child under the age of 14 from the other parent, without that parent's consent, it is a criminal offence. This is called "parental abduction" (sometimes called kidnapping). This applies to either guardian.

If you think your child has been abducted, you should contact the police immediately.

FINANCIAL OBLIGATIONS

? What is child support?

Whether you are married, live in an adult interdependent relationship, are separated or divorced, or never lived together, both parents must contribute to the cost of raising their child until they turn 18 years old.

You may have to support a child over 18 if they are disabled, sick or attending university.

If parents live apart, they must make arrangements to financially support their child (legally called "child support"). Child support is usually paid by the parent who does not live with the child.

If the child lives with you most of the time, you can apply for child support if you and the other parent do not live together.

? How much is child support?

The amount of child support is set out in Alberta's Child Support Guidelines.

Child Support Guidelines can be found at: alberta.ca/help-receiving-child-support.aspx

The Guidelines apply to divorced, separated and unmarried parents.

Additional money may be required for special expenses, like dental care or daycare.

? How do I receive child support?

You can get child support in the following ways:

Agreements:

You and the other parent can agree on the amount of child support and how often it is to be paid. The Child Support Guidelines will help you decide a reasonable amount. The agreement needs to be signed by both parents and witnessed. Each parent should have a separate lawyer review the agreement before he or she signs to make sure it is correct and complete. Either parent can file the agreement with the court.

Mediation:

If you need help reaching an agreement, consider using mediation services through Family Justice Services.

Going to Court:

If you cannot reach an agreement, and mediation is unsuccessful, you must apply to the court to decide. A family lawyer can make the application to the court for you.

? How do I change a child support order?

If there are significant changes in circumstances that will affect the amount of support needed or provided by a parent, a legal change is required. This change is called "variation."

If you are paying support and lose your job or have a large decrease in your income for other reasons, it is important that you apply to the court as soon as possible for a variation of support. If you don't apply, the unpaid support continues to add up until you get it.

You can use mediation services to negotiate changes. If both parents agree, the mediator will prepare a consent order for the court.

If mediation is unsuccessful, you can apply to the court to change the support order.

Enforcing a child support agreement or order

According to the *Alberta Maintenance Enforcement Act*:

Maintenance Enforcement Program (MEP) makes sure child support agreements and orders are kept. An agreement or order is registered with MEP. It is the responsibility of the receiving parent to register. Both guardians need to fill out and sign a Maintenance Enforcement Support Agreement.

The agreement or order is only enforced when registration is complete with MEP. You can get a registration package at any courthouse or online at: alberta.ca/maintenance-enforcement-in-alberta.aspx

The parent who pays child support now sends payments to MEP. MEP forwards the money to the receiving parent.

If payments stop, MEP has the authority to enforce funds owed. For example, MEP can garnish wages or revoke a driver's or hunting license. It is the receiving parent's responsibility to notify MEP if any banking information has changed.

Never send or receive payments directly. Failure to report direct payment will result in a \$50 penalty.

Contact MEP at 310-0000 or 780-422-5555.

Information from www.employment.alberta.ca and www.child.gov.ab.ca



FINANCIAL ASSISTANCE

Alberta Adult Health Benefit (AAHB)

The AAHB provides health benefits to pregnant women with limited incomes or to households with high ongoing prescription drug costs in relation to their income.

To qualify, you must be pregnant or live with a child up to age 18 or up to age 19 and living at home and attending high school. Your income must be less than a given amount depending on your situation.

The following maximum income guidelines apply:

- Single with 1 child.....\$26,023
- Couple with 1 child.....\$31,237

Indian Status and Inuit individuals do not qualify for AAHB or ACHB because they already receive medical benefits through other sources.

For more information call 1-866-644-5135

Other income amounts for AAHB and ACHB are available at:
alberta.ca/community-and-social-services.aspx

Alberta Child Health Benefit (ACHB)

ACHB provides health benefits for children of families with limited income. To qualify, you must live with a child under 18 years of age. Or, you must live with a child attending Grade 12 who is under 20 years of age.

Your income must be below the following specified amount, depending on your situation:

- Single with 1 child..... \$26,023
- Couple with 1 child.....\$31,237

Information taken from:

www.alberta.ca/alberta-adult-health-benefit.aspx#toc-2

Canada Child Tax Benefit (CCB)

The Canada Child Tax Benefit (CCB) is a non-taxable benefit intended to help families with the cost of raising children under the age of 18.

- If you qualify, the hospital will provide you with an application when your child is born. Or print out an application from: cra-arc.gc.ca
- To see if you qualify, visit cra-arc.gc.ca
- CCB is reduced when your family net income is more than \$31,711

As of July 2020, the CCTB amounts have increased to keep pace with the cost of living. The amount allotted depends on your household income:

- **Up to \$6,765** for every child under age 6, every year (\$563.75 per month) and
- **Up to \$5,708** for every child age 6-17 years of age, every year (\$475.66 per month)

The CCB is paid in one lump sum. The Canada Child Benefit payment is adjusted based on:

- The number of children in your care
- The age of your children
- Your marital status
- Your adjusted family net income (AFNI), as reported in last year's tax return

Your CCB amount includes the benefits that you qualify for below:

National Child Benefit Supplement (NCBS) is paid to low-income families with children.

- \$189.91/month for the first child
- \$168.00/month for the second child
- \$159.83/month for each additional child

Child Disability Benefit (CDB) paid to families with disabled children

- Up to \$2,886 (\$240.50 per month) for each child who is eligible for the disability tax credit.

Alberta Child Benefit

The Alberta child benefit (ACB) is a tax-free amount paid to families that have children under 18 years of age and an annual family net income below \$43,295.

Unlike the Alberta Family Employment Tax Credit (AFETC), there is no minimum working income requirement.

For July 2020 to June 2021, you may be entitled to receive:

- **\$1,155** (\$96.25 per month) for the first child
- **\$577** (\$48.08 per month) for the second child
- **\$577** (\$48.08 per month) for the third child
- **\$577** (\$48.08 per month) for the fourth child

*** Payments are made separately from the CCB and AFETC payments. ACB payments are made in August, November, February and May.*

Alberta Family Employment Tax Credit (AFETC)

You do not need to apply for the AFETC. Your eligibility will be determined from the information the federal government uses for the CCTB.

You could receive up to a maximum of \$2,113 for your family for 12 months based on income and number of children.

***Payments are made separately from the CCB payments in July and January.*

Alberta Child and Family Benefit

The Alberta Child and Family Benefit (ACFB) is a tax-free amount paid to families that have children under 18 years of age and provides a base component and working component. The base component is reduced once family net income exceeds \$24,467 and the working component is reduced once family net income exceeds \$41,000.

The base component is available to families with children, regardless of whether they earn any employment income. The working component is available if the family employment income exceeds \$2,760, the amount received being 15¢ of every dollar over this threshold.

ACFB maximum annual benefit amounts:

Number of Children	Base component (max)	Working component (max)
1 child	\$1,330	\$681
2 children	\$1,995	\$1,301
3 children	\$2,660	\$1,672
4 or more children	\$3,325	\$1,795

*** Payments are made in August, November, February and May*

Alberta Child Care Subsidy

Low and middle income families who use licensed or approved "out-of-school child care" (hours before and after school) are eligible for a subsidy. Subsidy rates have increased by 18% as of August 1, 2020.

- Your child must be 12 or under and not yet in Grade 7.
- Eligible families with children in Grades 1-6 will also be able to access the Kin Child Care Funding Program to help pay a relative to look after their child(ren) when they are at work or school.

You need to fill out a Subsidy Application Form available at:

alberta.ca/child-care-subsidy.aspx

Alberta Works

? Am I eligible for Alberta Works?

If you are 18 or older and cannot meet your basic needs of food, clothing or shelter, you can apply for Alberta Works (previously known as “income support” or “social assistance”).

- If you are under 18 but your spouse or adult interdependent partner is 18 or older and together you cannot meet your basic needs of food, clothing or shelter, your spouse or adult interdependent partner can apply for Alberta Works.
- Alberta Works can help you with other expenses such as utilities or emergency expenses.
- To be eligible for Alberta Works, you must be an Alberta resident and a Canadian citizen, permanent resident, or refugee.

First Nation’s members living on reserve are not eligible for assistance from Alberta Works because they receive funds from other federal and provincial sources.

If you live on reserve and require further assistance, you should call your band office to find out more about potential supports.

If you live off reserve, you may be eligible for Alberta Works as long as you are not receiving other funding from federal or provincial sources.

? What kind of benefits can I get through Alberta Works?

Depending on your financial need, Alberta Works offers the following benefits:

- Basic Income Assistance
- Health Benefits (includes dental, special diet)
- Daycare or Alternative Childcare Benefits and school expenses for children
- Emergency Benefits (ask a caseworker).

Going to university or college

If you receive Alberta Works and you pursue a post-secondary education (university or college), Alberta Works does not pay for your education.

- You are expected to apply for Student Aid, scholarships, or bursaries for financial assistance to pay for expenses. Any money you receive from these other sources will be considered income. This may affect your eligibility for Alberta Works.
- If you want to further your education, talk to your caseworker. If you already get Alberta Works, you must get an approved case plan before registering as a student.

Health Card benefits

If you receive Alberta Works, you may also be eligible for a Health Card. The card provides limited care for medical, dental and eye care.

- If you are not eligible for Alberta Works, you may still qualify for a Health Card in special circumstances. Call your local Alberta Works office for more information at: 1-866-644-5135.

? What if I am denied assistance from Alberta Works?

- If you are denied assistance by Alberta Works, you have the right to have the decision reviewed by the Citizens’ Appeal Panel.
- If you are not satisfied with the decision of the Citizens’ Appeal Panel, you can seek help from the Ombudsman.

Dial the RITE line followed by the appropriate number for your location.

Dial 310-0000 (for a free call to an Alberta government office)

Northern Alberta: 780-427-2756

Southern Alberta: 403-297-6185

To find the nearest Alberta Works office call toll free: 1-866-644-5135

Receiving your Alberta Works:

The amount of money you get will depend on your individual needs and the amount of financial income you receive from other sources. You may qualify for a different amount if you are:

- A single parent
- Leaving an abusive situation, or
- Living with a disability



NCSA
Native Counselling Services of Alberta

Family Court Services

Our Family Courtworker program seeks to ensure that Indigenous families involved in family court receive reliable, culturally appropriate assistance inside and outside the courtroom, while also helping at-risk families avoid involvement with Child Intervention Services.

Family Courtworkers Objectives:

- Helps ensure the safety and protection of children
- Helps facilitate the development of support networks for at-risk families
- Minimizes the stress typically caused by the complexities of the court process.

➤ For more information visit nca.ca/contact

PARENTING RESOURCES

Adoption

Adoption Options: (Toll free in AB only)
1-800-770-3023

Income Assistance

Health Benefits:
www.alberta.ca/alberta-child-health-benefit.aspx

Income Support:
www.alberta.ca/income-support.aspx

Legal Information

Alberta Justice Information Line:
310-0000

Legal Aid:
1-866-845-3425

Family Law Information Centre:
780-415-0404 or 403-297-3471
www.albertacourts.ca/qb/areas-of-law/family

Lawyer Referral Service:
1-800-661-1095 - *best to call in the morning*

Dial-A-Law:
1-800-332-1091

Department of Justice Canada: Family Law Information Line:
1-888-373-2222

Native Counselling Services of Alberta:
www.nca.ca

BearPaw Media and Education:
www.BearPawLegalResources.ca

Parenting

24 hr Child Abuse Hotline:
1-800-422-4453

Child Disability Resource Link:
Dial 310-0000 and ask to be connected to your local office.

Office of the Child and Youth Advocate:
1-800-661-3446

Children's legal and educational Resource Centre:
403-207-9029

To get a copy of Child Support Guidelines:
1-888-373-2222

Others

Alberta Indigenous Relations:
310-0000 www.indigenous.alberta.ca

Alberta Works Contact Centre:
780-644-9992 or 1-877-644-9992

Career Information Hotline:
1-800-661-3753 or 780-422-4266

Congress of Aboriginal Peoples:
1-613-747-6022

Consumer Information Centre:
310-0000

Canada Revenue Agency:
1-800-959-8281

Indigenous Services Canada:
1-800-567-9604

Métis Nation of Alberta:
www.albertaMétis.com or
780-455-2200 (Edmonton)

Métis National Council:
1-800-928-6330 (Tollfree).

Inuit Tapiriit Kanatami
<https://www.itk.ca/> or
Tollfree: 1-866-262-8181

All services are provided free of charge and are available to all regardless of status.

Long Distance Calls

In this guide, all phone numbers that begin with 1-800, 1-866, 1-877 or 1-888 will be free calls from anywhere in Alberta.

FREE Internet services are available at your local:

- Library
- Alberta Service Centre
- Canada-Alberta Service Centre

To find a Service Centre,
call 1-800-661-3753

ACKNOWLEDGEMENTS

Alberta Children and Youth Services

www.alberta.ca/family-social-caregiver-supports.aspx

Alberta Employment Standards Code

www.alberta.ca/alberta-employment-standards-rules.aspx

Alberta Human Rights Commission

www.albertahumanrights.ab.ca

Alberta Justice

www.justice.alberta.ca

Alberta Works

www.alberta.ca/alberta-income-support.aspx

Canada's Food Guide

food-guide.canada.ca/en/

Canada Revenue Agency

www.cra-arc.gc.ca

College of Physicians & Surgeons of Alberta

www.cpsa.ca

Department of Justice Canada

www.justice.gc.ca

Divorce Act

laws-lois.justice.gc.ca/eng/acts/d-3.4/fulltext.html

Family Law Act

www.qp.alberta.ca/documents/Acts/F04P5.pdf

Indigenous Services Canada

www.canada.ca/en/indigenous-services-canada.html

Legal Aid Alberta

www.legalaid.ab.ca

Native Counselling Services of Alberta

www.ncsa.ca

Service Alberta

www.servicealberta.gov.ab.ca

Service Canada

www.servicecanada.gc.ca



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Funded by Alberta Law Foundation • Published January 2021

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All legal information has been reviewed by a lawyer to ensure accuracy with relevant laws.*