

# PARENTING ARRANGEMENTS

Relevant Sections: [39-49](#)

## WHAT THE FAMILY LAW ACT SAYS:

The *Family Law Act* (FLA) includes provisions that guide decisions about parenting arrangements when the child's parents have never lived together or have separated. Parenting arrangements include the responsibility of caring for and making decisions about a child ("parental responsibilities") as well as the time spent caring for a child ("parenting time"). Under the FLA only a guardian has parental responsibilities and parenting time (for more information see **Backgrounder: Guardianship**). The FLA lists the different types of decisions that are included in parental responsibilities:

- Day-to-day decisions and day-to-day care and supervision of the child
- Where the child will live
- Who the child will live with and spend time with
- Education and participation in extracurricular activities
- Culture, language, religion and spiritual upbringing and heritage, including, if the child is an Indigenous (First Nations, Inuit, and Métis) child, the child's Indigenous identity
- Medical, dental and other health-related treatments for the child, subject to the child's right to make these decisions for themselves
- Applying for a passport, license, permit, benefit or something else for the child
- Giving, refusing or withdrawing consent for the child
- Receiving and responding to notices
- Requesting and receiving health, education or other information about the child from third parties
- Protecting the child's legal and financial interests and managing any proceedings related to the child
- Any other responsibility that supports the child's development

If a child has more than one guardian, each guardian may be responsible for making different types of decisions for the child, or the guardians may share responsibility for some or all the different types of decisions. The parenting arrangements that are decided on must be in the child's best interests. This will be different in every case and may change over time. For example, how much time a child spends with each parent/guardian may change as the child gets older depending on their needs and interests and activities, as well as how far apart the child's homes are.

Parenting arrangements can be documented in a written agreement or a court order. If there is no agreement or court order, but informal arrangements have been in place long enough to create a routine for the child, a parent/guardian cannot decide to change those arrangements without discussing the change with the other parents/guardians. Similarly, they cannot decide on their own to change where the child lives if the move would affect the child's relationship with the other parents/guardians (for more information see **Backgrounder: Relocation**).

A parent/guardian can authorize another person to make certain decisions for their child if they are temporarily unable to do so, for example, while the parent is working somewhere else, or the child is going to school or being cared for in another community.

## SOME ISSUES WE KNOW ABOUT:

The list of parental responsibilities combines culture, language, religion and spiritual upbringing and heritage, including Indigenous identity, in a single category. These are important decisions and it may be helpful to describe these in more detail.

The ability to temporarily authorize another person to make decisions for your child when you cannot is not well understood. This provision might need to be updated and made clearer.

## INDIGENOUS PERSPECTIVES:

- Are there certain types of decisions that Indigenous families make about their children that should be included or described differently in the FLA?
- Do Indigenous families follow particular customs or practices around having other relatives or members of the community care for their children on a temporary or longer-term basis?