

Enforcement of Time with a Child — The court can order that time with a child be enforced. These used to be called Access Enforcement Orders. This applies to parenting orders, contact orders, and access and custody orders issued under the *Divorce Act*, the *Provincial Court Act*, or the *Domestic Relations Act*.

Child Support — Child Support Guidelines are used to determine the amount of child support to be paid. It does not matter whether the parents are married or not; the court application and the way child support is decided is the same. An application can be made in either Court of Queen's Bench or Provincial Court. If the child is a full time student, support may continue to age 22. Children over 18 also have an obligation to contribute to their post-secondary education (this limit may be different if the parents are divorcing). Step-parents can be ordered to pay child support if they stood in the place of a parent to the child.

Support for Spouses and Partners — The *Family Law Act* closely follows the *Divorce Act* to allow for support for spouses and adult interdependent partners.

For both the Child Support and Spousal/Partner Support, the Court of Queen's Bench can order exclusive possession of the home and use of household goods when it makes a support order. Support orders and agreements will bind the estate of the paying person. Financial disclosure provisions will assist in making a support agreement or order.



Resources

For further information on the *Family Law Act* see the Alberta Justice website at www.justice.gov.ab.ca. Follow the links to publications, publications by topic, then families. Look for the document entitled "An Introduction to Alberta's *Family Law Act*."

For family law information and assistance in resolving family law matters contact:

**Family Justice Services,
Family Law Information Centre (FLIC)**
Calgary – 403-297-6981
Edmonton – 780-415-0404
Grande Prairie – 780-833-4234
Lethbridge – 403-388-3102
Medicine Hat – 403-529-8715
Red Deer – 403-755-1468

Dial 310-0000 first for toll free access in Alberta.

Talk to a lawyer.

Visit www.albertacourts.ab.ca/familylaw



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ALBERTA'S FAMILY LAW ACT

Family
Justice
Services



The *Family Law Act*:

- gives clear guidelines to family members, lawyers and judges about the rights and responsibilities of family members, and
- encourages settlement of family law disputes and focuses on the best interests of children.

The Act also sets out:

- the responsibilities and powers of parents, guardians and others
- how to share responsibilities, powers and time with children when parents do not live together
- how to decide on amounts of support, and
- how to apply to the court when people cannot agree.

The *Family Law Act* does not deal with:

- divorce
- matters involving family property
- child protection matters.

Highlights of the *Family Law Act*

Provincial Court and the Court of Queen's Bench

— Most applications can be made to the Court of Queen's Bench or Provincial Court (there are certain things that only the Court of Queen's Bench can order).

Best Interests of the Child — The Act sets out a list of things that must be considered in making an order affecting a child. The first item on the list is a consideration of the safety of the child. Family violence is specifically mentioned as a consideration in relation to best interests.

Guardianship — In most situations, the mother and father are the guardians of their children. In some limited situations, a parent may not be an automatic guardian.

The Act lists specific responsibilities and powers of a guardian. Unless limited by a parenting order, each guardian is entitled:

- to be informed of, consulted with, and to make all significant decisions affecting the child.
- to share the powers and responsibilities of guardianship with the other guardians of the child.
- to have sufficient time with the child to carry out the guardian's powers and responsibilities.

A guardian's right to be informed about a child is balanced by an obligation on the other guardian(s) to provide information. The Act also includes a duty for guardians to cooperate with each other in matters that affect the child. If guardians cannot agree, they can apply to court for a **parenting order**.

Parenting Orders — replace custody and access orders. Parenting orders encourage both parents to be involved with the child in most cases. The parties, and if necessary, the court can use these orders as a tool to build a parenting system after separation. The parenting order sets out how decisions about the child are to be made, and how the child's time is shared between the parents. The *Family Law Act* does not use the term "access." A guardian's time with children is called "parenting time."

Contact Orders — address the ability of a non-parent or non-guardian to have time with the child. A non-guardian's time with children is called "contact." Usually, a person who wants a contact order must first ask the court for leave (permission) to apply for such an order. One exception is if parents are separated or one parent is dead, a grandparent who has been denied contact with the child can apply for a contact order without asking for leave.

