

New Parenting Terms

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This Legal Health Check explains the changes to parenting terms in family law under the Divorce Act. These new terms apply as of March 1, 2021.

Decision-making responsibility is the right to make important decisions for a child, for example, about their health, education, religion, and important extra-curricular activities. These decisions may be made by one parent or by more than one parent. In some cases, parents may have separate responsibilities. For example, parent A makes decisions about the child's health and parent B makes decisions about the child's education. This used to be called custody.

Parenting time is the time a parent spends with a child. Parenting time can be on a set schedule or 'as agreed'. There may be restrictions on parenting time such as supervision. A person who has parenting time usually has the right to information about the child's well-being, such as information about their health and education. They can usually also make day-to-day decisions for the child while in their care. In some situations, this used to be called access.

Shared parenting time is when a child lives with each parent at least 40% of the time. This used to be called shared custody.

Split parenting time is when there are several children and each parent has at least one child living with them most of the time. For example, child A lives with one parent and child B lives with another parent most of the time. This used to be called split custody.

A **contact order** allows a child to have contact with a person who isn't a parent and who doesn't stand in the place of a parent, such as a grandparent. Examples of contact include visits in person, phone calls, video calls, or letters.

An **agreement, parenting plan, arbitration award** or **court order** may deal with:

- decision-making responsibility
- parenting time
- contact
- any other terms that are appropriate. For example, how parents will communicate with each other.

All decisions that impact a child must be based on the child's best interests.

For links and resources, visit cba.org/healthcheck