

Parenting and the Law

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Introduction

This publication explains your legal responsibilities as a parent. The publication explains:

- Parenting time.
- Decision-making responsibility.
- Child Support.

[Text box] The information in this booklet is not legal advice, and it does not replace guidance from a lawyer.

About Us

Community Legal Information provides understandable and useful information about the law and the justice system in Prince Edward Island.

Contact

Telephone: 902-892-0853; 1-800-240-9798

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Who is a parent?

The word “parent” may mean:

- A mother.
- A father.
- A person who stands in the place of a parent to the child.

When a child is legally adopted, the adoptive parents become the child's legal parents. Adoptive parents have the same rights and obligations as birth parents.

Parents make decisions like:

- Where will our child live?
- Who will make major decisions for our child?
- How much time will the child spend in each parent's care?

A parent must pay toward the cost of raising their children as much as they can. A parent can't ignore or negotiate away this responsibility.

Parenting Arrangements

What is parenting time?

Parenting time is the time a child spends in the care of a parent.

Parenting time is not impacted by:

- Childcare.
- School.
- Time spent with family or others.

If your child goes to school or has a babysitter during your parenting time, it is still considered part of your time with the child. Usually, parents with parenting time can let the children visit grandparents, family members, or anyone else who has an important relationship with the child.

During your parenting time, you may make minor decisions about daily activities for your child. This is true for each parent with parenting time unless a court orders otherwise. A **court order** is a formal, typed document that contains the judge's decision on a case. Court orders are given after a person takes legal action.

A parent with parenting time has the right to ongoing information about the child's education, health, and well-being, unless a court orders otherwise.

What is decision-making responsibility?

Decision-making responsibility is making major decisions for a child.

Major decisions include decisions about the child's:

- Health.
- Education.
- Culture.
- Language and spirituality.
- Significant extra-curricular activities.

Parents may have similar or different decision-making responsibilities. For example, you may be responsible for education, while another parent is responsible for health. Or you and the other parent may share all decision-making responsibility equally.

What are my responsibilities as a parent?

Parents are joint guardians of their child unless a court orders differently. Being joint guardians means the parents share parenting time and decision-making responsibility. It does not mean the parents will spend the same amount of time with the child. The law does not assume equal parenting time is best for the child.

TEXTBOX: Having equal parenting time does not mean parents have equal decision-making responsibilities. Also, parents could have equal decision-making responsibilities, but not equal parenting time.

What if the other parent isn't involved?

If a parent is not involved in the child's life, and never has been, the parent raising the child has *de facto* sole decision-making power. ***De facto*** means without legal paperwork.

Are parenting responsibilities and child support connected?

Child support and parenting responsibilities are settled separately. For example:

- A parent may be required to pay child support and have no parenting time or decision-making responsibility.
- A parent can't be denied parenting time because they are not paying child support.

Parenting arrangements and support can be decided separately, or at the same time as other issues. For example, child support could be agreed upon at the same time as parenting arrangements and property division.

See page ___ for more information about child support.

What is contact?

Contact is when a person who is not the child's parent spends time with them. Contact may be in the form of visits with the child or through various types of communication, such as video chat, telephone, or letters.

A person with contact does not make day-to-day decisions about a child during visits. Those decisions are made by parents with parenting time.

It is important for a child to spend time with important people in their lives. A parent must not prevent their child from spending time with people who are important in their lives. This includes relatives or friends that the parent may not like. The exception is if the parent has concerns about the child's safety or wellbeing.

Can I forbid my child from meeting their other parent's new partner?

No. Sometimes one parent wants to forbid the child from meeting or spending time with the other parent's new romantic partner. But if there is no risk to the child, you do not have the right to forbid the child from spending time with your ex-partner's new romantic partner.

What are parenting arrangements?

A **parenting arrangement** is a plan parents make to share parenting time and decision-making responsibilities.

Parenting arrangements must be based on the best interests of the child. This means parents must make arrangements that:

- Prioritize the child's safety, security, and well-being.
- Support the child's needs based on the child's age and stage of development.

Parents may agree on any parenting arrangement that works for their family. For example, parents may agree:

- They will share equal parenting time and decision-making responsibility.
- One of them will have more parenting time or decision-making responsibility.

Parenting arrangements can be made informally. Parents may talk about their plans and agree to them without writing it down.

What is a parenting agreement?

A **parenting agreement** is a contract that explains each parent's role and responsibilities.

A parenting arrangement is legally binding if it is:

- Written down.
- Dated.
- Signed by each parent in front of a witness.
- Signed by the witness.

The witnesses do not need to read or know the terms of the agreement. They are there to confirm that the parents signed willingly and were not pressured to sign a binding legal agreement.

A parenting agreement can be as detailed as you like. Think about what will work for your children now, and what they may need later. You may want to add a note of when parents will review the agreement and make changes if needed. For example, parents may review the parenting agreement every year or every 6 months.

Do I need a lawyer to make a parenting agreement?

No, you do not need a lawyer to make a parenting agreement. But it is always a good idea to get advice from a lawyer before signing a legal document. If possible, it is best to have your agreement drafted by a lawyer and notarized. This ensures the agreement is correct and reflects the law. However,

If you do not have a lawyer, the Lawyer Referral Service may be helpful. The Lawyer Referral Service is administered by Community Legal Information. You may access up to 45 minutes of consultation with a lawyer for \$25 + tax. **Call 902-892-0853 or toll-free 1-800-240-9798.**

What is dispute resolution?

Dispute resolution is a word for the different ways people can resolve conflicts out of court. The law says that you must try to resolve parenting issues with dispute resolution before going to court. Dispute Resolution sometimes has better results than going to court and is often much less expensive.

How can professionals help to resolve conflict outside of court?

Coming to an agreement can be difficult. Dispute Resolution may help you come to an agreement with the other parent.

Types of Dispute Resolution include:

- **Negotiation** is simply talking to the other person and trying to come to an agreement. For example, you may both agree that the education of your children is the most important financial priority, or that you want as little disruption to your children's lives as possible. Some people can resolve a lot on their own.
- **Mediation** is when you, your ex, and a mediator sit down together to resolve disagreements. The mediator may meet with each of you separately first to learn more about the conflict. The mediator will then meet with you and your ex together and give each of you the opportunity to speak and to listen. The mediator is neutral and will help you to speak to one another in a positive way. One of the goals of mediation is to create a better way for you and your ex to communicate in the future.
- **Collaborative Practice** involves you, your spouse, your collaborative lawyers, and sometimes other support professionals, like a financial or mental health professional. The group of you must agree to resolve the issues without going to court. The process is based on mutual respect and the best interests of the family.

*Negotiation and mediation may not be appropriate if there is a power imbalance or violence in the relationship.

Going to court is generally very stressful, and that stress has an impact on children. The court sees mediation as better for the child than going to court. For this reason, you are encouraged to see a mediator before taking legal action. You can do Child-Focused Family Mediation for free, or you can hire a private mediator.

What is Child-Focused Family Mediation?

The Family Law Centre, with the Department of Justice and Public Safety, offers free child-focused family mediation. Child-Focused Family Mediation helps parents make an agreement about parenting time and decision-making responsibility. Call 902-368-6928.

Parenting Orders and Contact Orders

Sometimes, you have no choice but to take legal action. For example:

- If there is family violence or a serious power imbalance.

- If you have made every effort to resolve the issue and nothing has worked.

Textbox: Starting legal action doesn't always mean you will go to a hearing or a trial. A legal issue can be resolved at any point during a proceeding.

Support with Mental Health

Family law issues can be challenging and stressful. It is important to take care of yourself throughout the process. Try to keep your emotions outside of the process. If you need to speak with someone, reach out to a friend, a mental health professional, or the Island Helpline. For the Island Helpline, call 1-800-218-2885.

What is a parenting order?

A **parenting order** is a court order about decision-making responsibility or parenting time. A judge makes a parenting order after a family law process involving children.

A judge can make a parenting order that sets rules for a family's parenting arrangement. A judge may make a parenting order when someone makes an application to the court.

Textbox: Parents can make a parenting agreement at any point, including if court action has started. If parents reach an agreement during the court process, the terms of the agreement must be sent to the judge. In most cases, the judge will approve the terms that the parents have agreed on.

What does a judge consider when making a parenting order?

When making a court order, the judge's only consideration is the best interests of the child. What the judge thinks is best for your children might be different from what you think is best. The judge will consider:

- The child's safety, needs, and well-being.
- The child's relationships with their parents, sibling, grandparents, and other important people in the child's life.
- The child's views and preferences, when appropriate.
- The child's culture, language, religion, and spirituality.
- Each parent's willingness to support the child's relationship with the other parent.
- Each parent's willingness to prioritize the best interest of the child.
- Whether family violence is present.

It is important for the Judge to know:

- Who has cared for the child in the past and the child's relationship with that caregiver.
- What kind of plans the person seeking an order has for the child.

A judge's decision is not affected by:

- The age of the parents.
- The income of each parent.
- Whether a parent is named on the birth certificate.

Will the judge consider the views and preferences of the child?

The judge will also consider the views and preferences of the child wherever possible. The judge decides when it is appropriate to consider the child's wishes. If necessary, the judge will order that a family court clinician:

- Interview your child and prepare a report on the views of your child, and/or
- Complete a Parenting Arrangement Assessment.

A **Parenting Arrangement Assessment** (previously called a home study) provides neutral evidence to the court about the parenting situation and best interests of the child. The Parenting Arrangement Assessment will also recommend a parenting plan. If an assessment is ordered, cooperate.

Could a judge order something completely different from what I ask?

Yes. A judge will listen to proposed parenting arrangements from each parent. But they may order a completely different parenting arrangement if it is in the best interest of the child.

Is it likely that I will be denied parenting time?

It is rare for a parent who has been involved with their child to be denied parenting time. The court may deny parenting time in some situations, for example, if:

- The child does not want to see the parent for good reason (for example, in a family violence situation or if the child has not seen that parent for a long time); or
- There is a history of not returning the child after parenting time.

What can a judge do about safety concerns?

A judge may order that:

- Neither parent may be under the influence of drugs or alcohol immediately prior to or during parenting time.
- Neither parent may make negative comments about the other parent in the child's presence.
- Parents use the **Supervised Parenting Time and Exchange Program**.

The Supervised Parenting Time and Exchange Program is a service provided by the Family Court Counsellors' Office. Supervised parenting time provides parenting time between a child and a parent. The parenting time is supervised by a program staff and takes place at a child-centered venue. Supervised exchange is where one parent brings the child to the visiting place, and the other parent picks the child up to exercise their parenting time. A program staff supervises the exchange of the child(ren) to ensure the parents do not engage during the exchange.

Can I apply for a parenting order if I am not a parent?

Yes. According to the *Children's Law Act*, a person other than a parent can apply for parenting time or decision-making responsibility. This could include grandparents, family friends, and other adults in the child's life. You may ask the court for permission to apply for parenting time or decision-making responsibility if you:

- Stand in the place of a parent (meaning that you have acted as a parent to the child); or
- Intend to stand in the place of a parent to the child.

Can I make a new application for a different parenting order?

Yes. As the family's needs change, either parent (or another person) may apply to the court to ask the Judge to change a parenting order. The Judge's sole consideration when changing an order is the child's best interests. The Judge will not change the parenting order without careful consideration.

What is a contact order?

A **contact order** is a court order that allows a person who is not the child's parent to have contact with them.

Contact orders may have the same conditions as parenting orders, such as a section forbidding relocation of the child.

Who can apply for a contact order?

Anyone other than a parent can ask for a contact order. Applying for a contact order is a legal process.

In all cases, the judge bases their decision on the best interests of the child.

How do I go to family court without a lawyer?

It may be helpful to read our publication *How to Go to Family Court Without a Lawyer*. The publication is designed to help you:

- Understand family law processes.
- Get organized for family court.
- Present your case well.

What is the Office of the Children's Lawyer?

The Office of the Children's Lawyer represents the child and their best interests in disputes about parenting time and decision-making responsibility. In high conflict situations, your child may qualify to be represented by the Children's Lawyer. Anyone concerned for the child can call the Office of the Children's Lawyer at 902-368-4842.

How do child support and parenting arrangements come into divorce?

If you have dependent children, your divorce judgement will include a parenting order and child support order.

Enforcement of parenting and contact

What if someone breaks the terms of a contact order, parenting order, or parenting agreement?

You may apply to the court for enforcement. For example, a parent may refuse to drop off the child to spend time with the other parent. You can apply to the court. The court can order the Sheriff or the police to bring your child to you if the child is being withheld.

What if someone with parenting time is abusing the child?

By law, you must contact Child Protection Services if you think a child is being abused or neglected by a parent or guardian.

During business hours: 1-877-341-3101

After business hours: 1-800-341-6868

Relocation

What is relocation?

Relocation is a move that will have a significant impact on a child's relationship with a person who has parenting time or decision-making responsibility. For example, a parent may want to move for work, education, or another reason. A parent may want their child to move with them.

Relocation includes a change in residence of:

- The child, or
- A person who has parenting time or decision-making responsibility.

What is the difference between short-distance and long-distance relocation?

A short-distance relocation may not significantly impact the child's relationship with a parent. For example, the parent may be moving to a new place in the same town.

A long-distance move is more likely to significantly impact the child's relationship with a parent. For example, a long-distance move could be a move to a different school district or a different province.

What do I do if I want to move a short distance?

You must give notice if you are moving with or without the child. Give notice to anyone with a decision-making responsibility, parenting time, or contact order.

There is no specific form required for short distance move. Notice must be in writing, and must include:

- The date of the move.
- The new address.
- New contact information.

What do I do if I want to move a long distance?

You must give notice if you are moving with or without the child. Give 60 days notice to people who have parenting time, decision-making responsibility, or contact order.

To give notice, the parent must use court form Notice of Relocation. This notice must include:

- The date of the move.
- The new address.
- The new contact information.
- A proposal for how parenting time, decision-making responsibilities, and contact will work after the move.

What if I have safety concerns about sharing my address?

You can ask the court to make an exception to the notice requirement in some circumstances. For example, if there is a history of family violence or another serious circumstance, you can apply for the court to waive or modify the notice requirement.

Can I object to the relocation of a child?

Yes, you can object to the relocation of a child if you have parenting time or decision-making responsibility with that child. People with contact can't object to relocation. This option is only for people with parenting time or decision-making responsibility.

To object to the relocation of a child, file court form Notice of Objection to Relocation. Include your response to the proposal made by the parent wanting to move. You must object to the relocation of the child within 30 days of receiving notice of relocation.

What if there is no objection filed and no court order stopping the move?

You can move on the date written in the Notice of Relocation.

What do I do if I received a Form __: Notice of Objection to Relocation?

Wait for the court's response. Don't relocate the child until the court approves it.

How does a judge decide about a relocation?

The judge must consider:

- The reason for the relocation.
- Possible impact of the move and loss of parenting time on the child.
- How much time the child spends with each parent and the parents' levels of involvement.
- Whether parents have given proper notice for the move.
- Any existing court orders or agreements that restrict relocation.
- Whether the proposed parenting arrangement is reasonable.
- The best interests of the child generally.

If parents have mostly equal parenting time, the person proposing the move must demonstrate why the move is in the best interests of the child. If a parent with majority parenting time with the child wants to move, the other parent must demonstrate why the move is not in the child's best interest.

TEXTBOX: If the court allows the relocation of the child, it could mean significant travel costs for the parent who is not moving (e.g., gas, plane tickets, etc.). The court may order the parent who is moving to pay some or all costs for the parent who is not moving to spend parenting time with their child. These additional costs would not be part of regular child support payments or claims of undue hardship.

What if I plan to move and I have a contact order?

You must give notice of your move to anyone with parenting time or decision-making responsibility. The notice must include:

- The date of the move,
- The new address, and
- New contact information.

If the move will have a significant impact on your relationship with the child, you must give notice 60 days in advance. In that case, use court form Notice of Change in Place of Residence: Person with Contact. On the court form, explain how your contact will continue after the move.

A judge can waive or modify the requirement for notice.

Child Support

What is child support?

Child support is the financial duty a parent has to their children.

A parent must pay toward the cost of raising their children as much as they can. A parent can't ignore or negotiate away child support. This is true if a child's parents were married, lived together, or never lived together.

A person who acts as a parent to a child, such as a relative or stepparent, may be able to receive or be required to pay child support.

TEXTBOX: Remember, child support and parenting responsibilities are settled separately. For example:

- A parent may be required to pay child support and have no parenting time or decision-making responsibility.
- A parent can't be denied parenting time because they are not paying child support.

Parenting arrangements and support can be decided separately, or at the same time as other issues. For example, child support could be agreed upon at the same time as parenting arrangements and property division.

How long do I have to pay child support?

You must pay child support until the child turns 18 (the age of majority). You may also have to pay child support if the child is over 18 and has a disability, or illness, or attends post-secondary education full-time.

How does child support impact income tax?

Child support can't be claimed as a deduction by the person paying it. Child support is not declared as income by the person receiving it.

How is child support calculated?

The **Federal Child Support Guidelines** (the "Guidelines") and other rules are used to decide:

- Who pays child support to who.
- How much child support must be paid.
- When payments are made.
- How long child support must be paid for.

The Guidelines include tables that show the basic amount of child support owing. Child support is calculated based on the:

- The income of the paying parent,
- Number of dependent children,
- Parenting time, and the
- Province or territory where the paying parent(s) live.

The Child Support Guidelines define three types of parenting time arrangements. These definitions are only used for determining child support. The type of arrangement you have in place impacts the amount of child support you will pay or receive. The definitions do not change any court order or agreement about parenting time or decision-making responsibility.

The Child Support Guidelines define parenting time, for the purposes of calculating child support only, as follows:

- Majority: one parent has the children living with them more than 60% of the time.
- Split: each parent has one or more of the children living with them more than 60% of the time.
- Shared: each parent has the children living with them at least 40% of the time and pays the child's expenses during that time.

In addition to basic monthly child support, money may be added for special and extraordinary expenses (called "Section 7 expenses"), such as:

- Health-related costs.
- Costs associated with special activities your child is involved in.
- Childcare costs.
- Other costs that are out of the ordinary.

Child support may also change if:

- There are children over the age of 18 who are attending college, university, or another post-secondary program.
- The paying parent's income is more than \$150,000 per year.
- There is undue hardship.

You can find more information about the child support guidelines here: <https://laws-lois.justice.gc.ca/eng/regulations/sor-97-175/index.html>.

Setting Up Child Support

There are two ways to start child support:

1. If parents can make a written child support agreement. A **child support agreement** is a contract that outlines parents' financial contributions. The Child Support Guidelines must be used to make child support agreements. The agreement must be signed by both parents and witnessed. The witnesses do not need to read or know the terms of the agreement. They are there to confirm that the parents signed willingly and were not pressured to sign a binding legal agreement. Before signing the agreement, each parent should get independent legal advice and should consider having a lawyer review the agreement to make sure it is correct and complete.

2. One or both parents can apply to the court for a **child support order**. Sometimes a Judge deals with child support as part of another court action, such as divorce. In this case, your Divorce Judgement will include the terms of your child support.

Child Support Guidelines Officers can give you information on the child support tables, court forms, and the court process if you do not have a lawyer to help you. They can also be a helpful resource if you are applying for a child support order or a variation of an existing order. Call 902-368-6220 to speak with a Child Support Guidelines Officer.

Parents who need help coming to an agreement may find private mediation helpful. Mediation may help you come to an agreement about child support. Private mediators may help with financial issues, including child support. There is a fee for private mediation. Mediation can save time and money, create less family stress, and keep your dispute more private than going to court.

Child Support Recalculation

Administrative recalculation is having your child support reviewed each year to make sure that it is on par with cost-of-living increases and parent's change in income. The Child Support Services Office offers free annual recalculation of a support order or agreement. A Recalculation Officer adjusts child support based on the paying parent's annual income, and the Federal Child Support Guidelines. Every year, the Recalculation Officer will update the child support amount by issuing a Recalculation Order on the date of the order or agreement. If the paying parent does not submit their updated annual income to the Recalculation Officer, the Officer will deem their income to be 10% higher than the previous year as a penalty.

The Recalculation Officer becomes involved when:

1. Your child support agreement has recalculation terms in your child support agreement and you or the other parent files the child support order or agreement with the Recalculation Officer.
2. A Judge makes recalculation part of the child support order. Usually, a Judge would order this to be done annually.

Recalculation may not apply when:

- The paying parent is self-employed,
- The court has estimated income,
- The parents have shared parenting time, or
- The courts used discretion when deciding child support amounts. **Discretion** means a judge's judgement or conscience.

If recalculation is not possible, you must update child support by applying to the court for a new order. For more information on applying for changed child support, see page ____.

How can we change a child support agreement?

Parents with a child support agreement may make a new agreement at any time. If parents agree, they can draft a new support agreement. Parents may do this if the income of the paying parent suddenly increases or decreases. This could be because of a raise at work, a new job, or the loss of a job.

Child Support Orders

How will a judge decide about a child support order?

A **child support order** is a court order about child support. The judge will insist upon child support according to the guidelines unless there are special circumstances.

What is undue hardship?

Undue hardship is specific circumstances that make it impossible for the paying parent to afford child support. The paying parent may ask the court to lower the amount of child support if there is undue hardship. This is called “claiming undue hardship.”

There are only three allowable reasons for undue hardship:

1. An unusually high debt load from the marriage.
2. Unusually high costs to be with your children.
3. Legal obligations to financially support other people.

How do I claim undue hardship?

To claim undue hardship, you must make a court application based on one of these reasons. A Judge decides whether your claim of undue hardship will be heard or not. If the Judge decides to hear your claim, the court compares the incomes and standards of living in each parent’s household. The total income in each household is considered. This means if one parent’s household has a second income from a new spouse, both incomes will be considered as the total household income. The judge may or may not order the amount of child support to be reduced if the standard of living in the paying parent’s household is significantly lower.

How do I apply to change a child support court order?

Only a Judge can change a court order. If you want to apply for a change in child support, you must apply for a variation. A **variation** is a changed court order.

If parents agree that child support should be changed, and neither party has a lawyer	If parents do not agree
A Child Support Guidelines Officer can help them to enter a Consent Variation Order. A Consent Variation Order is an order where both parties agree on the requested change. With this type of order the parents don’t have to go to court, but the Judge still must approve the new Order.	The parent who wants the change must go back to court to ask a Judge to change the order. Variations require specific court forms and court procedure. Consulting a lawyer is a good idea if you are applying for a variation.

You can only apply for a variation if there has been a change in circumstances since the last order. A change in circumstances means a major change that would result in a different order. For example, the paying parent is laid off, or the child moves in full-time with the paying parent.

Are there time limits for applying for a child support variation?

If you are not divorced, you must wait a minimum of 6 months after the legal agreement or court order was made before applying for a variation. Exceptions can be made in specific circumstances. For example, if you suddenly and unexpectedly lose your income, you may be allowed to ask the court for a variation before the time limit.

If you are divorced, the 6-month time restriction does not apply.

Enforcement of Child Support

What if the paying parent refuses to pay child support?

If a parent is not paying child support as stated in an order or agreement, you can see a lawyer or ask the provincial Maintenance Enforcement Program to help enforce the order.

Maintenance Enforcement is a provincial office that collects and distributes child and spousal support and takes steps to enforce support orders and agreements when they are not paid. You must register your order or agreement with this service to use it. Call 902-894-0383 or 902-368-6010.

If you apply for a divorce and child support is not being paid, the judge may refuse to grant the divorce until child support is in place and working.

What if I have a legitimate reason for not paying child support?

You must take steps to change the child support. If you have a child support agreement, ask the other parent if they will agree to change it. If you have a child support order, apply for a variation.

How does Maintenance Enforcement work?

Maintenance Enforcement can attempt to collect unpaid support in several ways, including by:

- Garnishing (taking) a portion of the paying parent's wages.
- Asking the federal government to use the following to pay child support: the paying parent's income tax refund, employment insurance benefits, GST refund, Old Age Security, or Canada Pension Plan benefits.
- Suspending the paying parent's driver's license.
- Asking the federal government to suspend the paying parent's passport.
- Asking the federal government to suspend the paying parent's other licenses.
- Taking the paying parent to court.

The Maintenance Enforcement Program will take steps to enforce your child support order or agreement, but they cannot guarantee success in collecting the payments. The Maintenance Enforcement Program decides what steps can be taken to enforce your order or agreement.

For more information, read the Maintenance Enforcement Policies & Procedures Manual.

https://www.princeedwardisland.ca/sites/default/files/publications/maintenanceenforcementpolicyand_proceduresmanual.pdf

Glossary

Administrative recalculation: having your child support reviewed each year to make sure that it is on par with cost-of-living increases and parent's change in income.

Child support: the financial duty a parent has to their children.

Child support agreement: a contract that outlines parents' financial contributions.

Child support order: a court order about child support.

Collaborative practice: when you negotiate a settlement with your ex, collaborative practice lawyers, and other professionals. All of you must agree to keep the dispute out of court.

Consent Variation Order: an order where both parties agree on the requested change

Contact order: a court order that allows a person who is not the child's parent to have contact with them.

Court order: a formal, typed document that contains the judge's decision on a case.

Decision-making responsibility: making major decisions for a child.

De facto: without legal paperwork.

Discretion: a judge's judgement or conscience.

Dispute resolution: a word for the different ways people can resolve conflicts out of court.

Mediation: you, your ex, and a mediator sit down together to resolve disagreements.

Negotiation: talking to the other person and trying to come to an agreement.

Parenting agreement: a contract that explains each parent's role and responsibilities.

Parenting arrangement: a plan parents make to share parenting time and decision-making responsibilities.

Parenting Arrangement Assessment: (previously called a home study) when a judge orders that a clinician provide neutral evidence about the parenting situation and best interests of the child.

Parenting order: a court order about decision-making responsibility or parenting time.

Parenting time: the time a child spends in the care of a parent.

Relocation: a move that will have a significant impact on a child's relationship with a person who has parenting time or decision-making responsibility.

Undue hardship: Specific circumstances that make it impossible for the paying parent to afford child support.

Variation: a changed court order.

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Community Legal Information is a charitable organization that receives funding from Justice Canada, the Law Foundation of PEI, the Law Society of PEI, PEI Department of Justice and Public Safety, and other sources. Community Legal Information provides Islanders with understandable and useful information about the law and the justice system in Prince Edward Island.

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