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Planning for Your Family After Separation or Divorce



PARENTING and GUARDIANSHIP ORDERS

Need help making a plan for parenting or guardianship
after your relationship ends?

Learn about rights and responsibilities here.

WHAT IS THE DIFFERENCE BETWEEN A PARENT AND A GUARDIAN?

These are two important roles an adult can play
in a child's life. The law gives different rights and
responsibilities to each:

- A guardian can make decisions for a child.
- A parent must provide for a child's basic needs.

A PARENT IS A GUARDIAN IF:

- They acknowledge they are a guardian AND
- They show they want and plan to be a guardian by:
 - living with or being married to, or partner of, the other parent OR
 - are recently divorced from the other parent shortly before or after the birth OR
 - are freely giving financial or other support to the other parent on a regular basis, within a year of learning about the child.

The judge makes decisions about **PARENTING AND GUARDIANSHIP** based on the best interests of the child.

The judge will consider things like:

- Emotional connection to the child
- Whether the home is safe and violence free
- Where the child has lived in the past
- Care each guardian has provided in the past
- Each guardians' ability and willingness
- Support for cultural, spiritual, and religious heritage and languages spoken
- Each child's wishes

If your relationship is ending and you can't agree about the roles you each will play for your child, a **COURT ORDER** can help.

A **GUARDIANSHIP ORDER** gives legal rights and responsibility for a child to an adult. These include the right to make decisions for the child and to spend time with the child.

WHO CAN APPLY FOR A GUARDIANSHIP ORDER:

A parent OR an adult who has had care and control of a child for at least 6 months.



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If parents live separately and can't agree about how to split parenting rights and duties, a **PARENTING ORDER** might help.

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A **PARENTING ORDER** outlines the judge's decision about:

- How much time a child will spend with each parent
- Who will make what decisions for the child—for example, one parent might decide about religious upbringing and the other might decide about school activities and if the child will have a job.
- It might also lay out a plan for how future disagreements will be settled