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Parental Authority

**RIGHTS AND DUTIES OF
PARENTS TOWARD CHILDREN**


Setting
the
Scene

Parental authority refers to the rights and duties of parents toward their children.

**What are these rights and duties?
What happens if parents separate?**

**This pamphlet is up to date to
March 1, 2023.**

It has general information only. If you need legal advice on a specific situation, consult a lawyer or a notary.


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What Is Parental Authority?

Parental authority refers to the rights and duties of parents toward their children until they turn 18.

Rights and Duties of Parents

Parents have these rights and duties toward their children:

- custody
- supervision
- ensuring their physical and emotional health and safety
- education
- generally caring for them

Parental authority gives parents the right to make all decisions necessary for the well-being of their children. For example, parents can make these decisions:

- where the children will live
- health care decisions (children 14 and over can make some decisions on their own)
- passing on religious beliefs

Take note!

Parents can temporarily give someone else certain parts of their parental authority, such as custody, supervision or education. For example, this happens when they leave their children with a teacher, babysitter or sports coach.

When Parents Break Up

Parents use their parental authority together, whether they're married, in a common-law relationship, separated or divorced.

Sometimes, when parents split up, only one parent gets custody of the children (or "parenting time" with the children). In this case, the other parent still keeps their parental authority. This means they keep the rights and duties of parental authority (e.g. education, health care decisions, etc.).

Being with the children means the parent with custody has parental authority every day, while the other parent has it from a distance. But the parent without custody must be consulted on all **major decisions** affecting the children.

What is a major decision? Here are examples:

- choice of school
- health care necessary for a child's health
- some medical treatments, such as braces
- long-term activities and hobbies

Careful!

New partners of a parent don't have parental authority, even if they act like a parent.

When Parents Don't Agree on Major Decisions

When parents can't agree on a major decision involving the children, one parent can go to court to have a judge decide, whether, they have custody or not.

For example, a parent can ask for a judge's decision if one parent refuses to give the other parent important information about the children.

The judge will decide based on the children's best interests.

Losing Parental Authority

In rare cases, a parent can lose all or part of parental authority and the right to make decisions regarding children.

Only a judge can take away parental authority. It is a very serious step. In legal terms, it's called "depriving" a parent of parental authority.

Judges have removed parental authority in cases of cruelty, violence and sexual abuse or when parents have abandoned their children.

Parents who lose parental authority lose rights toward their children, but still have certain duties toward them. For example, they must still provide for their children financially.

Parents who lose parental authority can ask a judge to get it back. But there is an exception: if someone else has adopted the children, a parent who lost parental authority will never get it back. Adoption puts an end to the relationship between the parent who lost parental authority and the children.

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