



Community Legal Information Association of Prince Edward Island, Inc.

Parents: Rights & Responsibilities

What is a parent?

Parent means mother or father. Paternity refers to the father of a child, and maternity refers to the mother of the child.

The term “parent” also may include the child's legal guardian, a step-parent, or someone who stands in the place of a parent to the child. A person could be considered a parent if that person has demonstrated a “settled intention” to treat the child as his or her own.

This might be the case if, for example, the child’s parent has a new common-law partner and that person acts as a parent to the child.

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

What are the rights and responsibilities of parents?

Both parents have responsibilities and rights. There are federal and provincial laws to protect and care for children. Some of these are:

- The *Criminal Code of Canada* says parents have a duty to give their children the "necessaries of life" until age 16. These include food, clothing, shelter, medical care and education. Failure to supply these is punishable by up to 2 years in prison.
- The *Criminal Code* says it is illegal to abandon a child or expose a child under 10 to danger.
- The PEI *Family Law Act* says that parents have an obligation to provide support to unmarried dependent children under the age of 18 - if the parent has the ability to pay.

In PEI, decisions made under the *Child Protection Act* must be “in the best interests of the children”. The *Act* sets out circumstances where a child may be found to be “in need of protection” – for example, if the child is not receiving proper care, education, supervision, guidance, or control or if the child is living in a home with domestic violence. Where there are grounds to consider a child to be “in need of protection”, the child can be removed from the care of the parents - by agreement, by apprehension, or by court order. In most cases, a plan is developed and acted upon to help the parents create a better situation for their child.

Removing a child from the parents and putting him or her in care is called “apprehension”. Many people call this “making the child a ward of the court”, though that term is no longer officially used.

While a child is in care, parents no longer have legal custody. This can be temporary or permanent, though a permanent arrangement is usually a last resort. If the parent’s behavior presents a danger or is harmful to the child and all attempts to improve the situation have not worked, a permanent arrangement will be considered. A parent may be able to use a Legal Aid lawyer in this situation, if he or she wishes to challenge the application for either temporary or permanent custody.

It is important to remember that your child will not be taken into care because you find it hard to make ends meet or you are finding parenting difficult. In fact, a child is not taken into care unless in a dangerous or harmful situation and, even then, care is often a temporary arrangement with the child returning home when the situation is made safe again.

Anyone who suspects a child is being abused or neglected, must report it to the Director of Child Protection or to the police. The report will be investigated. If you know a child is being abused or neglected, and you don’t report it, you could be fined. You can report suspected child abuse or neglect by phoning 368-6868 or 1-800-341-6868

This pamphlet contains general information about the law. It is not a complete statement about the law in this area and is not a substitute for legal advice. To receive legal advice, you need to speak to a lawyer. Community Legal Information Association of PEI Inc. (CLIA) is a charitable organization funded by the Department of Justice Canada, Department of Environment, Labour and Justice, the Law Foundation of PEI, and other funding sources.

CLIA provides Islanders with understandable and useful information about the law and the justice system in PEI. For more information, you can telephone CLIA at 902-892-0853 or 1-800-240-9798, visit our website at www.cliapei.ca or email us at clia@cliapei.ca. You can also find us at: www.facebook.com/CLIAPEI, www.twitter.com/CLIAPEI and www.youtube.com/CLIAPEI.

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