

Family Law



Family law

Family laws protect children and teens, as well as setting out rules for things like divorce and child support. They deal with things like:

- ▶ where a child will live
- ▶ who will support a child financially
- ▶ what happens when parents or caregivers don't agree

In Nova Scotia, the law says a person is a child when they are younger than 19 years old. The law refers to all children and teenagers as “children” or “minors.” All minors have the right to be safe and cared for no matter who they live with.

Sometimes the government will get involved in a child's or a teen's life. If they are in danger, or if their parents or guardians can't look after them, Child Welfare Services may get involved. This is often called child protection, and you can read more about it in Chapter 5.

DECISION-MAKING RESPONSIBILITY AND PARENTING TIME

When parents have a child together but are parenting their child separately family law rules help make important decisions. Those rules also help when grandparents or guardians are caring for a child. Grandparents, step-parents, and other important people in a child's life may ask a court to give them decision-making responsibility for a child or contact with a child.

When parents, grandparents, or guardians make decisions about children, they have to base their decisions on what is best for the child. If parents or caregivers can't agree on what is best, a judge will decide. Things a judge will think about are:

- ▶ the child's physical, emotional and mental well-being
- ▶ relationships with parents, siblings, grandparents, and other important people in their lives
- ▶ what the child wants
- ▶ cultural and spiritual background, including Indigenous upbringing and heritage

There is no set age when a child gets to decide who they will live with. A judge will think about what is best for each child in each situation.

Nova Scotia Legal Aid can help youth aged 12-18 if your parents or guardians disagree about a decision and you have questions or want a voice.

VOICE OF THE CHILD

A Voice of the Child report is one way courts give children and teens a chance to be heard in family law cases. A professional therapist or social worker interviews the child or teen and writes the report. The report tells the court about the child's views on any parenting issues.

Children and teens don't make decisions about parenting arrangements. But the report lets them share their views and talk about their worries, concerns and experiences. This helps the judge make a decision that is best for them.



CHILD SUPPORT

Child support is the money one parent or caregiver pays to another for a minor's living expenses. In Nova Scotia, child support is paid until the minor turns 19. The parent might also pay support after the teen turns 19 if they have special needs or are still in school. School includes college or university. The amount of child support depends on how much money the paying parent earns.

One adult pays child support to another, but the money is to look after the child. If one parent or caregiver refuses to help support a child, the other adult can ask a judge for a court order.

YOUNG PARENTS

Unmarried parents or parents who don't live together can decide together what their plan is to care for their child. If a pregnant person doesn't want the other parent in their life, that is their decision to make. After the baby is born, the other parent has a right to be in the baby's life.

Both parents have a responsibility to support their child. They both also have a right to be involved in the child's life. If the parents can't agree on this, they can ask a judge to decide on a parenting plan.

If you are a young parent and need financial help, you can ask the Department of Community Services (DCS) for help. Tell the caseworker you speak to that you want to apply for Income Assistance. They will ask you questions about your situation. Have these things with you when you make the call:

- ▶ bank statements for your account
- ▶ your Social Insurance Number (SIN)
- ▶ any other information that can help the caseworker understand your situation

Contact information for DCS is in the Resources section at the end of this chapter.

When a baby is born, the baby's last name can be the same as either parent, or a combination of both last names. The parent who gives birth can also choose not to put the other parent's name on the birth certificate. If the other parent disagrees with this choice, they can ask a court to change it. A same-sex partner can be put down as the baby's parent. If you ask together, the baby's last name can be the same as your same-sex partner's last name.

If you have an unplanned pregnancy and don't want to raise a child, you can think about abortion or adoption. You can read more about abortion in Chapter 1, The Law and Your Health.

ADOPTION

In Nova Scotia, if someone wants to adopt a child, they must have permission from both of the child's parents or legal guardians. If someone wants to adopt a teen who is 12 or older, or to change the teen's last name, the teen gets to decide if they agree.

Example: Dee is 14 years old. They live with their mom and their mom's partner, Lana. Their father lives in another province. They don't see him much, but he pays child support and sends Dee a birthday present each year. Dee's mom and partner are getting married, and Lana wants to adopt Dee. Dee's mom asks their dad if he will agree to the adoption. He says yes, so Dee's mom and Lana get a lawyer to send him court forms to sign. Dee also speaks with the lawyer to say they agree to the adoption. They decide that they are happy to be adopted by Lana, but they don't want to change their last name to match Lana's.

The only time a parent or guardian's permission is not needed for adoption is if they have had no contact with the child for the past two years or more.



FAMILY VIOLENCE

Many people think of physical abuse when they think of family violence, but family violence includes mental or emotional abuse, sexual abuse, and controlling behaviour. In Canada, family violence also means if children see other family members being abused.

Everyone has the duty to report child abuse, even possible abuse. Anyone can report and they can report without giving their name. Once someone reports abuse, child protection staff decide if they need to investigate.



If family violence is part of your life, you can get help from:

- ▶ a teacher, guidance counselor, or Schools Plus worker
- ▶ trusted adults, like an aunt/uncle or a friend's parents
- ▶ multicultural or newcomer centres, like the Immigrant Services Association of NS (ISANS)
- ▶ a healthcare professional
- ▶ police
- ▶ a religious leader, like your imam, priest, or rabbi
- ▶ an elder in your community

Resources

Child Protection (if a child is in danger of abuse)

- ▶ 1-877-424-1177 (between 8:30 am and 4:30 pm on weekdays)
- ▶ 1-866-922-2434 (between 4:30 pm and 8:30 am on weekdays and weekends or holidays)
- ▶ 211

For help finding services in your area

- ▶ ns.211.ca
- ▶ 211 (text)
- ▶ 711 (Bell Relay Service)
- ▶ 1-855-466-4994 (toll-free)

BGC Canada: safe, supportive places where children and youth can experience new opportunities, overcome barriers, build positive relationships, and develop confidence and skills for life.

- ▶ www.bgccan.com/en/find-your-club/

Department of Community Services - Income Assistance

- ▶ 1-877-424-1177 (8:30am to 4:30pm on weekdays)
- ▶ Evening hours: Tuesday to Thursday 4:30pm to 7:00pm.

Mi'kmaq Legal Support Network

- ▶ 1-877-379-2042

NS Department of Community Services

- ▶ novascotia.ca/coms/families/index.html
- ▶ 1-877-424-1177

NS Education and Early Childhood Development - African Canadian Services

- ▶ 902-424-3151

NS Legal Aid

Halifax Region (Youth Justice Office)

- ▶ (902) 420-7800
- ▶ Email: hfyouth@nslegalaid.ca
- ▶ In person: Suite 401, 5475 Spring Garden Road, Halifax.

Outside Halifax Region

- ▶ [Local Nova Scotia Legal Aid Offices](#)

The Youth Project

For general inquiries and support sessions:

- ▶ carmel@youthproject.ns.ca
- ▶ (902) 429-5429

The Valley Youth Project

- ▶ valleyyouthproject@gmail.com

Trans Family Nova Scotia

- ▶ facebook.com/groups/transfamilynovascotia/

Youth Text Line at Legal Information Society of NS

- ▶ Text: (902) 510-5646