

## Parental Responsibilities - s.41 of the *Family Law Act*

*The following is the list of responsibilities from the legislation and non-exhaustive examples.*

**41** For the purposes of this Part, parental responsibilities with respect to a child are as follows:

(a) making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child;

*Example: Deciding about a child's diet, clothing, daily routine and discipline. Note: A guardian exercises this responsibility during parenting time (see s. 42).*

(b) making decisions respecting where the child will reside;

*Example: Deciding where the child will live.*

(c) making decisions respecting with whom the child will live and associate;

*Example: Deciding who shall the child live with and spend time with.*

(d) making decisions respecting the child's education and participation in extracurricular activities, including the nature, extent and location;

*Example: Deciding about the child's preschool/school, supplementary learning services (e.g. tutoring), extracurricular activities (e.g. sport, art or music activities outside of school).*

(e) making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an aboriginal child, the child's aboriginal identity;

*Example #1: Deciding whether the child shall attend church, temple, Sunday school, catechism classes or other religious instruction.*

*Example #2: Deciding whether the child shall attend an immersion language school or other language instruction.*

*Example #3: How the child shall learn about their aboriginal identity and participate in their aboriginal culture and community.*

(f) subject to section 17 of the *Infants Act*, giving, refusing or withdrawing consent to medical, dental and other health-related treatments for the child;

*Explanation: One of the parental responsibilities flowing from guardianship is the responsibility to give, refuse or withdraw consent to health care, depending on what is in the child's best interests. This responsibility is subject to any consent the child has given on their*

own behalf. A child's consent is effective only if the health care provider is satisfied the care is in the child's best interests and the child understands the nature and consequences and the reasonably foreseeable benefits and risks of the health care.

For further information please see [section 17](#) of the Infants Act.

(g) applying for a passport, licence, permit, benefit, privilege or other thing for the child;

Example #1: Applying for extended health or dental insurance benefits.

Example #2: Applying for a child's status as an Indian, Métis or Inuit or aboriginal band membership.

Example #3: Obtaining a driver's license or tidal waters sport fishing license for a child.

(h) giving, refusing or withdrawing consent for the child, if consent is required;

Example: Consenting to a child participating in a school field trip, consenting to a child participating as a subject in a research project.

(i) receiving and responding to any notice that a parent or guardian is entitled or required by law to receive;

Example: Receiving any notice that a guardian is to receive as a result of a minor child being named in a will.

(j) requesting and receiving from third parties health, education or other information respecting the child;

Example #1: Requesting a copy of a child's records from a doctor or other medical professional.

Example #2: Requesting a copy of a child's report cards or other educational records.

(k) subject to any applicable provincial legislation;

(i) starting, defending, compromising or settling any proceeding relating to the child, and

Example #1: Starting and/or settling any proceeding related to an insurance claim because a child was injured.

Example #2: Defending any claim against a child because the child damaged the plaintiff's property.

Note: An agreement by a guardian to settle a personal injury claim will be subject to oversight, by either the Public Guardians and Trustee or court, depending on the amount.

(ii) identifying, advancing and protecting the child's legal and financial interests;

Example #1: Protecting a child's income, gifts, inheritances or savings through appropriate investment.

Example #2: If the child is earning income as a child actor, protecting the child's interests by ensuring there is a sound contract in place and the child's earnings are appropriately invested, in compliance with the *Employment Standards Act*.

(l) exercising any other responsibilities reasonably necessary to nurture the child's development.

Note: Anything that doesn't necessarily fit in A to K above.