

# Parenting

Rights and Responsibilities of Young Parents



Public Legal Education  
and Information Service  
of New Brunswick

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## Purpose

Finding out about your rights when you are going to have a baby is not always easy. Tracking down law information in particular can be time consuming and frustrating, and you may not be sure where to turn to start. The purpose of this guide is to help youth and young parents to understand their rights and responsibilities when facing pregnancy and parenthood. The guide tries to answer some common questions on important topics such as making decisions about health treatment, responsibility to financially support a child, naming a child and so on. Ultimately, the guide is intended to promote responsible parenting by setting out the rights of the child and the rights and responsibilities of both parents when they bring a child into the world.

This guide sets out the information in a clear and concise manner. It offers a variety of information that you might now have to search for from numerous different sources. It also explores some common myths about rights and responsibilities of parents. Although you can use the guide on your own, we encourage you to seek help and support when making important decisions and accessing services or information described in the guide.

## Intended Audience

Pregnant Teenagers;  
Young Parents – married or living in a common-law relationship;  
Young parents living apart from each other (single parent);  
Service agencies and programs that work with pregnant teens and young mothers and fathers;

## Using the Guide

There are eight sections in the guide. Each section deals with a particular subject. The subjects range from “Pregnancy – Legal Rights”, to “Splitting Up or Living Separately”, to “Leaves and Benefits”, to name a few.

Each section covers several topics. Review the guide and see what sections you need to read to help you understand your rights and responsibilities. Some subjects or topics may not apply to you.

If you are reading the guide on the Public Legal Education and Information Service of New Brunswick website, [www.legal-info-legale.nb.ca](http://www.legal-info-legale.nb.ca), you will be able to click on any ‘hot links’ and they will take you immediately to the appropriate material or service. In each section of the guide, we also include “Special Issues”. For example, in the topic on Child Support, you will learn about the rights of the child to be financially supported by both parents. In the Special Issue section you may want to read the topic “Refusal to pay child support”.

This booklet does not contain a complete statement of the law in the area and changes in the law may occur from time to time. Anyone needing specific advice on his or her own legal position should consult a lawyer.

## I. PREGNANCY - LEGAL RIGHTS

### Consenting to Medical Treatment

- In New Brunswick, the **Medical Consent of Minors Act** gives a teenager who is 16 years or older the same right to consent to health care treatment as an adult – a person who has reached the age of majority (19 years). This includes consenting to dental treatment, surgery and any treatment related to the pregnancy.
- Once you reach your 16<sup>th</sup> birthday, you do not need your parents’ permission when making healthcare treatment decisions.
- If you have not yet reached your 16<sup>th</sup> birthday you may still be able to consent to medical treatment if the attending legally qualified medical doctor, dentist, nurse practitioner or nurse decides that you are capable of understanding the nature and consequences of a medical treatment, and that treatment and the procedure used is in your best interests and continuing health and well-being.
- However, if your proposed treatment involves surgery and if you are under the age of 16, your parents must give their consent for the operation. If you are married, you are treated as an adult and can consent to treatment even if you are under 16 years of age.

### Human Rights Protection During Pregnancy

- Are you worried that your employer or landlord may discriminate against you because you are pregnant? Fire you from your job or ask you about being pregnant if you are job hunting? Or, do you worry that the landlord may tell you to move out because you have a new baby?
- Discrimination on the basis of sex, which includes pregnancy, is not allowed under the New Brunswick **Human Rights Act**. This **Act** protects women and girls from discrimination by an employer, landlord, service provider or school because of pregnancy. For example, if a woman is applying for a job, employers may not ask about whether she is pregnant or planning to become pregnant. They cannot ask whether she has a baby at home or if she is breastfeeding. They may, however, ask whether she is available to travel, if the job requires travel, but they cannot ask about her family life, daycare arrangements and so on. Also, landlords cannot refuse to lease a woman an apartment because she is pregnant or has a newborn baby.
- If you think you have been discriminated against on the basis of your pregnancy, or on any other ground, you should contact the Human Rights Commission. They can advise you whether the **Human Rights Act** was violated. If it has, they can tell you what steps to take to file a complaint.

To contact the Human Rights Commission, please call  
(506) 453-2301 (Fredericton & out-of-province calls)  
or 1-888-471-2233 (toll-free in N.B.)

Check out the Commission's Guideline on Pregnancy Discrimination  
[www.gnb.ca/hrc-cdp/e/g/Guideline-Pregnancy-Discrimination-New-Brunswick.pdf](http://www.gnb.ca/hrc-cdp/e/g/Guideline-Pregnancy-Discrimination-New-Brunswick.pdf)

### Status of Children Born to Unmarried Parents

- Unmarried parents may worry that their child will not have the same rights as children born to married parents.
- In New Brunswick, all children have the same legal status and rights. All children are legitimate - including children born to unmarried parents.
- Children born to unmarried parents have the same rights as children born to legally married parents. This includes rights such as being supported financially, having contact with both parents, and inheriting property from a parent who dies. For example, a father of a child born outside of marriage has the same legal responsibilities to support his children as a married father.

### Special Issues

#### Father's Involvement with the Pregnancy

- Unmarried parents can decide together about the nature of the father's involvement. They can talk about his participation before and during the birth.
- If the mother does not want the father involved in her life during the pregnancy that is her decision to make.
- Canadian law does not recognize the unborn child as a legal person possessing rights. As a result, the father does not have any right to be involved with the pregnancy without the consent of the mother.
- Things change, however, after the baby is born. Having a baby places legal responsibilities on both parents and it also gives both of them certain rights. In most cases, this would include the right to have contact with the child.

### It can be confusing???

There are many terms to talk about an "**unmarried parent**"

- Unwed parent
- Single parent
- Lone parent



### Father's responsibility to help with Maternity Expenses

- The biological father has a financial obligation, if he has an income, to help pay for the mother's pregnancy expenses such as maternity clothes, vitamins and supplements.
- This obligation exists even for an unmarried father of a child even if he has never lived with the mother.
- For more information on prenatal benefits that might help with expenses during pregnancy, see the section on **Leaves and other Benefits**.

### Did you know...

To help parents make decisions about their pregnancy, the Department of Social Development has a **Birth Parents Service**? They can tell you about all the available options, support and assistance. The service is available for unmarried women and girls who are pregnant or who have given birth, and the birth fathers.

## II. PARENTHOOD – LEGAL RESPONSIBILITIES

### Naming the Baby

- When your baby is born, you must give him or her a name to register the birth. In New Brunswick, the **Vital Statistics Act** sets out the rules for naming your baby.
- If the father's name is not put on the birth registration, the baby's surname (which means the last name) **must** be the same as the mother's last name.
- If the father's name is put on the registration form, you have several options for naming your baby. You do not have to use the father's surname simply because it is on the registration. Both parents, even if they are not legally married, must jointly request that the birth be registered showing one of the following options:
  - the mother's last name;
  - the father's last name;
  - a combination of the mother's and father's names.
- A same-sex partner can be put down as the baby's parent on the birth registration form. If you jointly request, the baby's last name can be the same as your same-sex partner's last name.
- You cannot give your baby a surname made up of more than two last names. If you give your baby two surnames, you should indicate on the registration form the order that you want the names to appear.
- All the children born to the same parents must have the same surname.

The **birth registry** includes information about the child and the parents

#### For more information:

Check out the "**Birth Registration Guide**" on **Vital Statistics** webpage at [www.snb.ca/e/1000/1000-01/e/namebaby-e.asp](http://www.snb.ca/e/1000/1000-01/e/namebaby-e.asp)

#### For more information:

##### Registrar General

Vital Statistics Office, Service New Brunswick,  
PO Box 1998, Fredericton, NB E3B 5G4  
Telephone: 506-453-2385

### Registering the Birth

- Once you name your baby, you must register the birth. Registration must happen within 14 days of the birth of a child. This is usually done in the hospital after the baby is born.
- In New Brunswick, the **Vital Statistics Act** sets out the following legal requirements for registering the birth:
  - The birth must be registered with the **Vital Statistics Office**. This is done on a form called the **Registration of Birth**. It is important that the form is filled out accurately because it creates the legal identity of your child.
  - If you have more than one baby, you must fill out a registration form for each one.
  - Both parents have the responsibility to complete and sign the birth registration.
  - If either parent is unable or unwilling to sign the form, it can be sent with only one signature.
- Once the birth is registered, Vital Statistics will send you a free small birth certificate for your baby. When you receive it, you should carefully review the information on your baby's birth certificate. If the information is not what you think it should be, call the Vital Statistics Office.



### Naming a Guardian

- When you have a baby it is a good idea to make a will. In your will you can name a guardian. If something happens to you, the guardian would look after your child. Be sure to ask the person you would like to have as your guardian if they will do this. Your choice of guardian can be challenged in court by someone else who feels that they should be the guardian. A lawyer can give you advice about this.

**Did you know...**in New Brunswick it is an offence to leave children under the age of 12 years for an unreasonable amount of time without a responsible sitter?

## Providing your child with the proper care

- Caring for a child is a big responsibility. All parents have a legal duty to care properly for their children.
- You must also provide your child with the **necessities of life**. These are those things that are necessary to preserve the life and the health of your child. They include food, clothing, shelter, and medical care.
- Failing to provide the **"necessities of life"** for a child under the age of 16 years is a criminal offence under the **Criminal Code**. If convicted, a person could go to jail. The **Criminal Code** also includes other offences involving children.
- The New Brunswick **Family Services Act** says parents must make sure their children are not **abused** or **neglected**. **Child abuse** happens when parents or others physically, emotionally, or sexually mistreat a child. **Child neglect** happens when parents do not meet the basic needs of their children for housing, clothing, health care, affection, education, and discipline.
- Under this Act, **anyone** who suspects a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated or otherwise abused **must** report it to the local Child Protection Branch of the Department of Social Development. Even people that you have a confidential relationship with such as a teacher, doctor, and/or social worker have to report suspicions of child abuse. The only exception is lawyers.

### Note:

When someone calls Child Protection and reports their concern, it does **not** always lead to an investigation. If they investigate, they would not necessarily remove your child from your home. In fact, it may be a chance for you to get help with parenting your child.

### There is help

If you feel you could harm your child, look for help. You may be able to find programs for anger management, family support, child care and life skills training. Admitting you need help is important for yourself and your child.

Call Chimo 1-800-667-5005 or  
450-HELP (4357) in Fredericton

[www.chimohelpline.ca](http://www.chimohelpline.ca)

They can provide a listening ear, helpful information, crisis intervention and referrals to thousands of services and programs in N.B.

- Someone might report that your child is in danger if:
  - You are not providing reasonable care or supervision for your child;
  - Your house is unhealthy or unsafe for your child;
  - You are not feeding your child adequately;
  - You are not giving your child the medical attention he or she needs;
  - You are having problems with drugs, alcohol or gambling and it affects your child;
  - our child is being abused physically and/or sexually or is emotionally neglected;
  - Your child is exposed to family violence;
  - Your child has been abandoned;
  - Your child runs away from home and/or withdraws from parental control;
  - You are not making your child go to school;
  - Your child is likely to injure himself;
- If Child Protection decides that your child is at risk, they must start an investigation. If they decide the child's security or development is in danger, the Department may place the child under **protective care**. If they place your child under protective care, within 5 days they must do one of the following:
  - Release the child from protective care;
  - Enter into an agreement with the parent(s) such as developing a case plan to set things right;
  - Apply for an order regarding the child. There are different kinds of orders depending on the situation. Some orders are short term and allow the child to remain in the home even though he or she is under protective care. Some orders allow supervised visits and conditions for the parents. Other orders call for the removal of children on a temporary or permanent basis. Or, the order may require the court to remove the offending person from the home instead of the child. Most orders can be extended for a certain period of time.

You can call Social Development to ask for help with problems in the home.

If Child Protection believes your child is in immediate danger, they can use force, if necessary, to remove the child from your home without a court order.

### For more information:

What Parents Should Know About Child Protection  
[www.legal-info-legale.nb.ca/en/index.php?page=parents\\_child\\_protection](http://www.legal-info-legale.nb.ca/en/index.php?page=parents_child_protection)

## “What’s Wrong with Spanking”

[www.phac-aspc.gc.ca/hp-ps/dca-dea/publications/spanking-fessee/index-eng.php](http://www.phac-aspc.gc.ca/hp-ps/dca-dea/publications/spanking-fessee/index-eng.php)

Check out this pamphlet by Health Canada and the Department of Justice. It offers useful tips on disciplining without hitting your child

### Disciplining your Child

- Parents are responsible for supervising and controlling their children. Sometimes, you might have to discipline your children. However, physically or emotionally punishing a child is generally not acceptable. Hitting a child on the head and using things like belts and brushes is against the law. Any physical punishment that causes injury to a child is abuse.
- Parents should talk to each other and to people who care for their children about how they expect them to handle discipline.
- If a person uses force against your child which you feel is too harsh, you may wish to seek advice from Child Protection or a lawyer.
- Parents are also responsible for controlling the actions of their young children. You must take reasonable care that your child does not cause harm or damage to others. If you do not take reasonable care and your child does something to harm others, you could be legally responsible.

#### For more information:

Who’s Minding the Kids? A Parent’s Guide  
[www.legal-info-legale.nb.ca/en/minding\\_kids\\_homecare\\_guide](http://www.legal-info-legale.nb.ca/en/minding_kids_homecare_guide)

If someone is abusing your child, report it to Child Protection.

The number is  
**1-888-992-2873**  
(ABUSE)

Emergency after-hours:  
**1-800-442-9799**

### Special Issues

#### Husband is not the Father

- Usually, if a woman is married, her husband’s information is put on the birth registration form. However, if he is not the biological father and she does not want his name on the registration she must file a statutory declaration. This can be done at the hospital when the baby is born. If she files a statutory declaration, no information about him will be registered. Then, if the mother and the biological father agree, they can make a request together to register the biological father’s information.

#### Father Refuses to Sign the Birth Registration

- If the father is unknown, unable, or unwilling to sign his name on the birth registration, the mother’s name may be the only name entered on the form.
- If you are married, your husband will automatically be registered as the baby’s father and he does not have to sign the birth registration (unless you want your baby’s last name to be your maiden name).
- If you are unmarried and the father does not sign the birth registration, his information cannot be used. The father’s signature must be obtained for his name to be included on the birth registration.
- If the father did not sign the registration and wants to do so later, the mother and the father can ask that his information be registered. They have to complete a **statutory declaration** form together at the Vital Statistics office. If you do this, you may also change the surname of the child, if you wish.

#### Note:

If the father’s name is not put on the birth registration, it may be more difficult later on to ask him to pay child support.

#### Mother does not put Father’s Name on Birth Registration

- The unmarried mother of a baby, for a variety of reasons, may exclude the name of the father even if it is known. If the father wishes to have his information on the birth registry, he can ask the Court for an order to register his name and particulars. His name would be added once the Court sends a certified copy of the order to the Registrar General.

#### Choosing a Name that Reflects Cultural, Ethnic or Religious Heritage

- Sometimes a person’s cultural or ethnic background uses names for children that are different than the options permitted by New Brunswick law. In such special situations, the **Vital Statistics Act** allows parents to choose a name that is different from the options set out in the Act.
- With the approval of the Registrar General, you may register your child’s name to represent his or her cultural, ethnic or religious heritage.

#### Changing the Child’s Surname Later

- Sometimes, a parent may wish to change their decision about a child’s name that was registered at the time of birth. If a parent wishes to change the name of a child under 19 years of age, he or she must get the consent of the other parent to do so. If the child is 12 or over, he or she must also consent to the change.

#### For more information, see the publication

“Changing Your Name in New Brunswick” on Vital Statistics website at  
[www.snb.ca/e/1000/1000-01/e/change-e.asp](http://www.snb.ca/e/1000/1000-01/e/change-e.asp)



## Paternity Issues and Paternity Testing

### Identity of the Father

- Sometimes the identity of the child's father is an issue. This is called '**paternity**'. For example, the mother might believe a certain person is the child's father while her ex-partner might believe that he is the father of the child. Or the person that she believes is the father of the child may deny it.



### Presuming Paternity

- In some cases the law will presume or declare that an individual is the child's father, unless he can prove that he is not. The **Family Services Act** lists a number of circumstances in which a man will be presumed to be the father of a child. They include:
  - He is married to the mother of the child at the time of the birth of the child;
  - He was married to the mother of the child within 300 days before the birth of the child;
  - He marries the mother after the child is born and acknowledges that he is the natural father;
  - He was living with the mother of the child at the time of the birth of the child or the child is born within 300 days after they stopped living together;
  - He and the mother have signed a statutory declaration saying that he is the natural father of the child;
  - He has signed the birth registration form; or
  - A court has found him to be the father of the child.

#### You should get legal advice:

- If you need to prove the paternity of your baby.
- If you are uncertain you are the father of a child and wish to establish paternity.
- If you believe you are the father of a baby even though the mother believes it is someone else.

- If someone is named as the father of a child in any court application, the responsibility lies with that person to prove he is not the father, whether or not his name is on the birth registration.
- If none of the circumstances above apply and he denies being the father, or wants to be declared the father, a judge can decide the issue. A judge can hear evidence to help him or her decide whether the man should be named the father of the child. Some of the evidence that a judge may consider includes **blood or DNA testing**. Sometimes, a court may order blood and other tests be done to prove paternity.

Paternity tests cost between **\$350-\$600**. It can take anywhere from a few days to weeks to get the results, depending on where you get your test.

### Blood and DNA Testing:

- If the court orders blood or DNA tests to prove paternity, the person or persons being tested will have to consent to the tests. If the person refuses to consent to the tests, the court may see this as a sign of paternity. If the court decides the man is the father of a child, then he would have the legal rights and responsibilities of any parent.
- If the person ordered to have tests is not able to consent, for example, because he or she is too young, the parent(s) or guardian may give consent.
- DNA testing, which may be used in court to prove paternity, can be expensive. If the court asks for the tests, it will also decide who will pay for them. For example, the court may order the person denying paternity to pay for the test or a part of it. If the mother is on social assistance, and the tests do not prove that the man is the father, social assistance may reimburse him for the costs.

#### You can settle paternity out of court

Parents can try to settle paternity without going to court. They can arrange for DNA testing without a court order. They will, however, have to pay for the costs of the tests. If you agree to abide by the test results and not go to court with them, you can get a less expensive DNA test at \$300-\$400. However, you should remember you may not use these tests in court.

#### DNA TESTING

The following three labs provide DNA testing throughout New Brunswick:

**Genetrack BiolabsOrchid Cellmark**  
1-800-828-1899

**Orchid Cellmark**  
1-800-837-8362 (TEST DNA)

**RPC Genetics**  
1-800-563-0844 ext: 365  
(Toll Free in North America)

### III. SPLITTING UP OR LIVING SEPARATELY

For general information about family law, call the toll-free  
Family Law Line  
1-888-236-2444  
or visit the Family Law NB website at  
[www.familylawnb.ca](http://www.familylawnb.ca)

#### Ending a Marriage

- If you are legally married and you decide to split up, this is called “**separation**”. Separation happens when one spouse leaves the marriage relationship with the intention of ending it.
- If there is no chance for you to get back together, you may decide to get a divorce. Although the only ground for divorce under the **Divorce Act** is ‘breakdown of marriage’, there are different ways to show your marriage has broken down.
- The most common way to end a marriage is to live **separate and apart** for at least **one year**. For more information about divorce, you should consult a lawyer. You will have to settle all your family law matters including making a parenting plan, support, sharing of special expenses and dividing your material property and debts. If you have settled everything, you may be able to use the *Doing Your Own Divorce in New Brunswick* guide, available from PLEIS-NB for a small fee.

#### Ending a Common-law Relationship

- If you are living together, but are not married, then you are in a ‘**common-law**’ relationship. To end a relationship, a common-law couple stops living together.
- Some provincial laws recognize a common-law relationship after one year of living together. In other situations, you must live together for three years. Federal laws, employers, insurance plans, and pension plans have different rules for recognizing common-law relationships. You should look at the different laws and policies to see how they define a common-law relationship. No matter what, if you have children together, you are both responsible for supporting that child. You must make a parenting plan.

#### Custody and Access

- If you have children and you split up, one of the most important things that you must do is make parenting plans or arrangements for your children. That means you must decide about things like whom the children live with on a day-to-day basis and who will make major decisions about their well being (called **custody**).
- Custody involves having the care and control of a child. It includes the right to have the child live with you, either all of the time or only part of the time, and the right to make decisions for the child.
- In most cases, a child and his or her parent without custody have the right to spend time together. You must decide how and when the children will spend time with the non-custodial parent (called **access**). This is sometimes called **visiting rights**. The purpose of access is for a child to have a meaningful relationship with both parents. Generally, the court considers it in the **best interests of the child** for the child to have as much contact as possible with both parents. It is rare for a court not to allow any access.
- The parent with access has the right to information (unless the court orders otherwise) about the health, education, and well-being of the child. An access parent normally does not make the major decisions about the child. The court can set out specific guidelines or it can order “reasonable access”. Reasonable access leaves it up to the parents to work out the details. A typical schedule involves visits on Sundays or every other weekend, and an extended visit during summer and holidays.

#### Types of Custody

**Sole custody:** One parent has the legal right and responsibility to provide for the day-to-day care of the child. The child lives with that parent at least 60% of the time. A parent with sole custody makes the decisions about the child’s education, religion, health care, and general upbringing.

**Joint custody:** Both parents are actively involved making decisions about the child’s life. It does not necessarily mean the child lives an equal amount of time with each parent. It gives both parents the right to make the decisions about bringing up the child.

**Split custody:** When each parent has custody of one or more of the children.

**Shared custody:** For the purpose of the Child Support Guidelines, shared custody means that the child spends almost equal amounts of time living with both parents.

## Making Custody and Access Arrangements

There are four ways that parents can create custody and access arrangements:

- **Parents can agree:** You and the other parent can agree on who will get custody and how access will work. You can put the agreement in writing in a **Custody Agreement** or include it in a **Separation Agreement** and sign it. This is a legal document and can be enforced. For a separation agreement, you must both get separate legal advice. It is always a good idea to consult a lawyer before signing any agreement. A lawyer will advise you on the legal implications of the agreement.
- **Parents can use mediation:** If parents need help to reach an agreement, they may try **mediation**. A mediator is a trained professional who helps the couple come to an agreement. The mediator does not take sides.
- **Parents can use a Collaborative Law Process:** It is an informal process where each of you has a collaborative law lawyer and the four of you work as a team to come up with the best solution for both of you and your children. Once you reach an agreement, the collaborative lawyers will help you get approval of the court.
- **Parents can ask the court to decide:** Parents who cannot agree can make an application to the court to decide. This is called **contested custody or access**. **The court will make a custody order**. The court makes decisions about custody and access in the **best interests of the child**. The conduct of the parent does not necessarily affect custody or access unless it affects their parenting abilities.

### Did you know...

Children benefit from the responsible involvement of both their parents? Positive communication between you and the other parent about the custody and access arrangements will greatly benefit your child.



## Changing custody and access arrangements

- If you decided your parenting arrangements yourself and have a written agreement, both parents can agree to change it. Any changes should be put in writing. Both parents should get advice from separate lawyers before signing the changed agreement.
- Custody orders (orders made by the court) are not written in stone. However, it is not easy to change an existing custody order. If you have a custody order, you can apply to the court to change or cancel the order if there has been a significant change in circumstances since the original order. The judge will not re-try the case. He or she will only look at the evidence of the changed circumstances. The judge must be convinced the change will be in the best interests of the child.
- If you have a custody order, you and the other parent may also change it without going to court. However, if you just make changes on your own, then they will have no legal effect and may jeopardize further rights.

### Did you know...

The average cost to raise a child from birth to 18 is about \$166,000?  
*Canadian Council on Social Development, 2004*

### It's your responsibility!

Even if you have **never lived together**, if you are the parent of a child, you have a legal obligation to contribute financially to the upbringing of the child.

### How Courts Decide Custody and Access:

The best interests of the child may include considering:

- The needs of the child (mental, emotional and physical health);
- Depending on the age of the child, the views and preferences of the child;
- Where the child has been living at the time of the application and the effect a disruption would have on the child;
- The love, affection and ties between the child and the parent(s), and, where appropriate, the grandparents;
- The need to provide a safe and secure environment for the child;

*The amount of support is based on the paying parent's annual income and the number of children entitled to support*

## Financial Obligations: Child Support

- By law, both parents must contribute to the cost of raising their child, if they are able to do so, until the child turns 19 years old. This is true whether you are married, lived common-law, or never lived together. In some instances, you may have to support a child over 19 for example, if the child is disabled, ill or going to university.
- When parents live apart, they must make arrangements to financially support their child (called **child support**). Child support is usually paid by the parent who does not live with the child.
- If you are the parent who has custody of the child, you can apply for child support whenever you and the other parent don't live together.
- If the parent who should pay support is not working or still in school, the other parent can wait until he or she does have an income and then apply for child support.

**Child support payments** are not considered income for the purpose of income tax for the parent receiving them. Child support payments are not an income tax deduction for the parent who pays them.

## Amount of Child Support

- The amount of support that you should get if you are the parent who has custody of the children is set out in the **Child Support Guidelines**. The Guidelines include tables which help parents, judges and lawyers decide the basic amounts of the child support payments.
- You may also make a claim for more money for special expenses, like braces, day care and so on.
- The Guidelines apply to divorcing, separating or unmarried parents.



- In some cases, child support is sent to the Court by the payer. The Court then sends the payment to the parent who has custody of the child.

## Getting Child Support

**There are four ways that you can get child support:**

- **Agreements:** You and the other parent can agree on the amount of child support and how often it is to be paid. The Child Support Guidelines will help you decide a reasonable amount. To be legal, this agreement must be in writing, signed by both parents and witnessed. Each parent should have a separate lawyer review the agreement before they sign it to make sure it is correct and complete. You can then file the agreement with the court for the purposes of enforcement. You can also sign a voluntary form with Family Court to pay child support.
- **Mediation:** If you need help reaching an agreement, consider using a private mediator.
- **Collaborative Law:** If you and the other parent believe that you can create a solution together, and can be respectful to one another, then think about using collaborative law lawyers to work out an answer together.
- **Going to Court:** If you cannot reach an agreement, and mediation or collaborative law is not possible, or successful, you must apply to the court and a judge will decide. A family law lawyer can make the application to the court for you. When a judge decides on child support, he or she follows the Guidelines.

## ISO Forms and Guides:

If your child's other parent lives outside of New Brunswick, a person can start an application in New Brunswick and an order can be made, or changed, or enforced, where the other person lives.

**The forms and guides are available on the Family Law NB Website at:**  
[www.familylawnb.ca/english/forms\\_interjurisdictional\\_support\\_orders](http://www.familylawnb.ca/english/forms_interjurisdictional_support_orders)

If you are applying to change an order made under Canada's Divorce Act, this is not the application for you. The Divorce Act is a federal law. It has its own rules about making and changing its orders.

## Changing a Child Support Order

- Either parent may apply to court to change the support order whenever there is a **significant change in circumstances since the original order** that would lead to a different amount of child support under the Child Support Guidelines. This is called a '**variation**'.  
• You can also get a copy of PLEIS-NB's "**New Brunswick Child Support Variation Kit**" to complete and file the correct forms to vary the support.

See the series of PLEIS-NB's booklets explaining the Family Support Orders Service (FSOS)

## Enforcing a Child Support Order

- If your child support order is filed with the court and the payor stops making payments, the **Family Support Order Service (FSOS)** will make every effort to enforce the order or agreements filed with them.
- Remember, if you are paying support and lose your job or have a large decrease in your income for other reasons, it is important that you apply to the court as soon as possible for a variation of support. The unpaid support continues to add up until you get the order varied.

## Special Issues

### No Custody Order Exists

- If the child lives with one parent without an agreement or custody order that parent has "*de facto*" custody or *custody in fact*. It is possible to get child support without a custody order. However, without a legal document, it may be hard to enforce your rights if the other parent takes the child and doesn't return him or her.
- If you are a parent with access and the parent with *de facto* custody won't let you see the child, you may not be able to enforce your rights. It is always a good idea to have a legal agreement or court order. It would outline the custody arrangement, even where one parent is not involved in the child's life at all.
- Since both parents have a right to custody in the absence of a court order or an agreement, either parent can apply for custody or access.
- It is very important to have terms of custody and access set out in a legal agreement or court order.

### Did you know...

The payment of child support does not affect a parent's right to see the child.

- The custodial parent cannot stop the access parent from seeing the child just because he or she has stopped paying child support.
- The parent paying child support cannot stop paying child support because he or she decides not to visit the child or is denied access.
- Custody and child support are two separate legal issues.
- You must work each out separately if you are having problems.

### The Access Parent Won't Visit with the Child

- You cannot force a parent to become involved in the life of his or her child. However, when a parent does not visit the child for long periods of time, it could affect his or her rights later, especially if the custodial parent seeks to end those rights.
- Parents should be aware of the harmful effects that abandonment or rejection can have on their child. The child who visits only once in a while with his or her access parent or has been abandoned may feel rejected. The child may feel that the parent does not love or care for him or her. This can have an effect of his or her self-esteem. If the access parent is not involved in your child's life, reassure the child that it is not his or her fault and that he or she is very much loved.

### Access Denied

- If your access rights are being denied, you can apply to the court for help. Only a court can order the custodial parent to let the access parent see the child. The court may even change the order including giving custody to the access parent.

**Remember**, if you don't have a custody order, you should apply for one immediately. Always keep a certified copy of the custody order with you and give a copy to officials at the school or daycare and other places where you take your children so they are aware of the situation.

### Father has No Involvement and Then Wants Access

- It is not uncommon, for example, when the parents have never lived together, for a father to have no involvement with a newborn child. However, after a few years the father may want to change his mind and get to know his child.
- If you cannot agree on how and when the father will visit with the child, then a court will have to decide access. It will make decisions on the basis of the "**best interests of the child.**"

## Breaking Custody Arrangements

- Sometimes one, or both, parents break terms of the custody and access order. For example, the access parent may not return the child to the custodial parent on time. Or the custodial parent may not let the child visit the access parent.
- When a custody order exists and either parent is breaking the terms of that order, the other parent may use the family law system to deal with the violations. The parent who is breaking the terms may be found to be in '**contempt of court**'. You may have to go back to court to change or enforce the order. Usually, the police does not become involved in enforcing custody arrangements when parents break the rules unless directed to do so by the court.

## Parental Abduction

- There is a difference between breaking conditions in a custody order and taking and hiding the child from the other parent. If a parent removes and hides a child under the age of 14 from the other parent without that parent's consent, it is a criminal offence called '**parental abduction**', sometimes called kidnapping. Taking a child and hiding that child from the other parent of the child is a crime! Abduction provisions apply whether the abducting parent is the access or custodial parent.
- If you think your child has been abducted, you should contact the police and a lawyer **immediately**. The police may charge the abducting parent and issue a Canada-wide warrant for his or her arrest. This helps the police find and return the child more quickly than by using family court procedures. Although it is always better to have a custody order, the police can lay criminal charges against an abducting parent where there is no custody order. But they must first get the consent of the Attorney General.
- It is a defence if the abduction was necessary to protect the child from imminent danger. It is also a defence if the parent or person charged with the offence was escaping immediate danger. **It is not a defence that the child consented to going with the other parent.**

**If you think** your child has been abducted, contact the police, a lawyer, and the Attorney General and/or Minister of Justice to assist you with your child's return.

## For more information

The following publication is an excellent resource

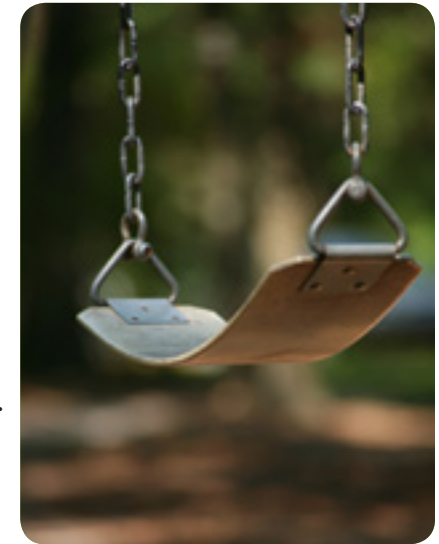
### "International Child Abductions – A Manual for Parents"

developed by Consular Affairs – Department of Foreign Affairs and International Trade. *Click on the following link*

<http://travel.gc.ca/travelling/publications/international-child-abductions>

## International Abductions

- The laws and procedures for returning a child who is abducted to another country are different and more complex than if the abduction was to another province or territory within Canada.
- If you believe the other parent is planning to abduct the child or has abducted the child, contact the police, RCMP, a lawyer, the **Consular Affairs Bureau** in Ottawa, and anyone else you think can help you. **Listen to your fears.** Get advice on how best to proceed.
- It is easier to prevent abduction, than it is to get your child back. If you have a custody order, the court can issue an order for the non-custodial parent to turn over his or her passport or other travel documents, or issue a non-removal order. This will help to prevent the other parent from taking the children out of Canada.
- Consider contacting the relatives of the abducting parent. They may help you with the return of the child.
- While you are waiting for a Custody Hearing, you can call your **Passport Office (Foreign Affairs and International Trade Canada)**. Ask them to put the children's names on a **Passport Control List**.



You should also contact the **Consular Affairs Bureau** (Foreign Affairs Canada) in Ottawa  
(1-800-267-6788 or 1-613-944-6788)  
[www.voyage.gc.ca](http://www.voyage.gc.ca)



### Grandparents' Rights

- The arrival of a new baby can sometimes be stressful for parents and for grandparents. Feelings may be mixed and conflict may develop. Two young parents and two sets of grandparents under stress can provide opportunities for disagreements and misunderstandings. It is very important to remember that all of these people may be involved in the child's life for many years. If at all possible, it is in everyone's best interest to work on the things in a way that doesn't make the situation worse and keeps everyone's attention focused on what is best for the child.
- Although grandparents do not have an automatic right to custody or access, the **Family Services Act** gives authority to courts to grant custody or access to third parties such as grandparents. The order is given based on the "best interests of the child".
- Courts are reluctant to interfere with parents' decisions about the people that their children can have a relationship with. This is especially so where the parent does not have a good relationship with the grandparent, or where there is no existing relationship between the grandparent and the child.
- However, if the court decides that it is in the best interests of the child, they may allow the child to visit with the grandparent. You may try to come to an agreement with your child's grandparents, perhaps with the help of a mediator. Grandparents can be an important support and influence for you and your child.

## IV. ADOPTION

### Making the Decision

- Sometimes with unplanned pregnancy, you may want to consider several options, including adoption.
- In New Brunswick, adoption law is found in the **Family Services Act**. Adoption is a legal process that creates new parent-child relationships. The adopted child becomes the legal child of the adoptive parent(s) and is no longer the legal child of his or her birth parents. An adoption does not, however, end or affect any rights the child has to his or her cultural heritage, including aboriginal rights.
- There are five types of adoptions in New Brunswick:
  - Private Adoption;
  - Immediate Family
  - Adoption by a spouse
  - Ministerial Adoption;
  - Intercountry Adoption

#### Note:

Your parents cannot force you to give your child up for adoption. In fact, it is an offence for anybody to bribe you to give your baby up for adoption.

### For more information

Call your local Social Development regional office – Birth Parent Services. They can give you information about your choices and next steps. They will not pressure you to choose adoption.

### Private Adoption

- In a private adoption, the biological parent(s) chooses the adoptive parents and makes the placement. For example, if you are the mother, not even your parents can make contact with possible adoptive parents or influence your choice in any manner.
- If you are planning to place your child for adoption outside of your immediate family with persons known to you, then you must notify the Minister of Social Development by registered mail 60 days in advance of the placement.
- The person adopting your child must also give notice to the Minister 60 days in advance of placement. Failure to do so is an offence. After receiving notice of the placement the Minister will complete an adoption assessment on the prospective adopting applicant(s).

- If you place your child with a member of your immediate family, such as your own mother, sister, brother, neither you or the family member are required to notify the Minister.
- A child must live with the adoptive parents for six months before the Court will grant an adoption order.

### Who can adopt in New Brunswick?

- Any person over the age of 19, including a single person.
- A married or common-law couple may jointly adopt a child.
- A person's new spouse may adopt the other spouse's child.
- A same-sex partner may adopt the other partner's child.

Either the biological parent(s) or the adopting parent(s) must live in New Brunswick

## Ministerial Adoption

- This is the most common type of adoption. As the birth parent(s), you transfer your parental rights and responsibilities towards the child to the Minister of Social Development under a **Guardianship Agreement or Guardianship Order**. If you wish, you will be given the opportunity to participate in the selection of the adoptive family for the child
- You can consent to transfer your parental rights to the Minister anytime after the birth of the child. For example, if you make a plan of adoption through Social Development when you are pregnant, you cannot sign a Guardianship Agreement before the child is 4 days old. You then have 7 days after signing to revoke your consent.
- In most cases, if you signed a Guardianship Agreement 4 days after the baby was born, the baby will be placed with the adopting parents on the 7<sup>th</sup> day. An adoption social worker is involved during this "placement" period to make sure the child is well cared for and the new family relationships are positive. After the placement period is over there will be a court hearing to finalize the adoption and grant the new parents an **Adoption Order**.

### Privacy and Confidentiality

When you put your child up for a Ministerial adoption, your identity is kept confidential.

- If you have signed a Guardianship Agreement and the Minister has placed your child with an adoptive family, you cannot terminate the Guardianship Agreement unless you notify the Minister, in writing within 7 days of signing it. If the child has not been placed with an adoptive family and you change your mind, you have 30 days to notify the Minister, in writing, that you wish to end the Agreement. In both cases, if you change your mind after signing the agreement, you should contact a lawyer **immediately** and get legal advice.

## Adoption by a Spouse

- Sometimes when a couple gets married or becomes a common-law couple, they may wish to have their partner, who is not the biological parent, adopt their child.
- Generally, when the person adopting is married to or the common-law partner of, the biological parent, the Court can grant an Adoption Order after he or she has lived with the child continuously for 6 months.

### Note:

Before signing a Guardianship Agreement the Department must advise you to see a lawyer. They will ask you to sign a form saying that they told you this.

## Special Issues

### Consent of Both Biological Parents

- In a **private adoption** and in **adoption by a spouse**, both biological parents, if known, must consent to the adoption. Otherwise, you must get the required consent waived (or put aside) by a court.
- With a **Guardianship Agreement** both parents **must** consent to the agreement. A Guardianship Agreement cannot be entered into if it is uncertain who the father is.
- A teen parent, under the age of 19, may consent to the adoption of his or her child.
- In a private adoption, either parent required to give consent can change his or her mind, if she or he puts it in writing, and notifies the Minister within 30 days of signing the adoption consent.



### Waiving the Consent of a Parent

- In some cases, a court may waive a parent's consent (or decide it is not necessary). The court would consider the best interests of the child. For example, if the parent who must consent has abandoned or deserted the child, or cannot be located after all reasonable attempts are made to find him or her, the courts waive consent. Or, if the person is not capable of caring for the child or has not had an ongoing parental relationship with the child and a delay in adopting the child would cause harm to the child, the court would not require consent.

### Finalizing Adoption

- Once the Court makes the Adoption Order, the birth registration papers will be changed and, generally, the biological parents will lose all their legal rights and responsibilities to the child. Normally, the adopting parents will change the surname and first name of the child.
- An Adoption Order may be appealed to the New Brunswick Court of Appeal within 30 days of the order.

### Post-Adoption Disclosure Service

The service can find information and/or even possibly contact your adopted child when the child turns 19 or if he or she registers for contact.

The service can also provide non-identifying information about the biological and adoptive parents. Non-identifying information may include information such as the physical description of the birth parents, information on the adoptive family (i.e. their religion or education levels) and medical histories.

## V. LEAVES AND BENEFITS

### Prenatal Benefits Program

- The **Prenatal Benefit Program** offered by the Department of Social Development provides financial assistance to help expectant mothers have healthier babies. To qualify, the **net family income** must be less than \$29,000. You may be able to get this extra money even if you are on social assistance or living in a household that receives social assistance. The amount you get depends on the net family income.
- If you qualify, you will get a monthly cheque until your baby is born. You can get the prenatal benefits as early as the 5<sup>th</sup> month of your pregnancy.
- Here are the rules for applying for the benefits:
  - **Under 16 years**, you must apply with you parents/guardians;
  - **Between 16 to 18 years and live with your parents**, you must apply with your parents or with the baby's father if he lives there too;
  - **Between the ages of 16 to 18 years, and you do not live with your parents**, you can apply with the baby's father. You can apply on your own if the father is not known, does not live with you, or refuses to apply with you;
  - **Over 18 years**, you must apply with the father if he lives with you. Otherwise, you can apply on your own.
- You must live in New Brunswick. If you are a student from another province, you may be eligible for benefits for the time you live in New Brunswick.

**Apply early** to the **Prenatal Benefits Program** to take full advantage of the program. Benefits cannot be backdated so apply before 14 weeks.

Pregnant teens under 18 years old who are in care of the Minister are not eligible to get the benefit.

#### Note:

First Nations women and girls living on-reserve are not eligible for benefits under this program.

Talk to your social worker or the Band Council to find out what help is available.

## Maternity Leave and Maternity Benefits

- **Working mothers** have the right to take a **maternity or pregnancy leave without pay** up to 17 weeks. You can choose to start this leave up to 11 weeks before your estimated due date.
- If you are working, it is your responsibility to tell your employer at least three months before your expected due date, if possible, that you plan to take maternity leave and when. You must give your employer at least six weeks' notice before you begin your leave, if possible. In certain circumstances, your employer may request that you begin your maternity leave at an earlier date than planned.
- After maternity leave is complete, your employer must allow you to return to your job or a similar job with no decrease in pay or benefits.
- You may also be eligible for Employment Insurance (EI) during your maternity leave if you have a total of 600 insured hours in the last 52 weeks or since the start of your last claim. These are called **maternity benefits**. If you qualify, you will get up to 55% of your wages. Maternity benefits are paid for a **maximum of 15 weeks**. You may start collecting maternity benefits either up to 8 weeks before the expected birth date or the week of the actual birth.
- If your baby is hospitalized you may be able to delay receiving any remaining benefits you are entitled to until the baby comes home. You may delay up to 52 weeks after the date of his or her birth.
- If your pregnancy ends in miscarriage or stillbirth within the first 19 weeks, you may qualify for **sickness benefits**. If your pregnancy ends by miscarriage or stillbirth in the 20<sup>th</sup> week or after, you may be able to get maternity benefits, if you qualify.

**For more information** on maternity, parental and sickness benefits, go in person to your local Human Resource Service Centre or call 1-800-206-7218 or go to their website at [www.hrsdc.gc.ca](http://www.hrsdc.gc.ca)

### Note:

If you work for the federal government, the rules regarding maternity and parental leave are different. Sometimes, unions may have negotiated additional benefits for employees. Private employers may also have additional benefits.

## Parental Leave & Parental Benefits

- **Working parents**, including adoptive parents, have the right to take **unpaid parental leave** from their jobs **up to 37 weeks**. The parental leave for biological mothers must begin immediately after the maternity leave unless the employer agrees otherwise or the child is hospitalized at the end of the maternity leave.
- Parental leave for working biological fathers and adoptive parents may begin once the child is born, or from the time the child is placed with you. Leave cannot extend beyond 52 weeks after that date.
- If both parents are working, the parental leave may be taken only by one parent or it may be shared between them. You must give four weeks written notice to your employer of the date the leave will begin and the length of the leave.
- Biological mothers who qualify may apply for **parental benefits up to 35 weeks** through Employment Insurance at the same time as applying for maternity benefits. Biological fathers and adoptive parents may also qualify for parental benefits.
- Parental benefits can be claimed by one parent only or shared between them. However, to share the benefits both parents must qualify. To qualify you must have worked 600 hours in the last 52 weeks or since your last claim.
- If your baby needs to stay in the hospital after birth, you can delay getting the benefits until the baby comes home, up to 104 weeks. You will still only be eligible, however, to receive the benefits for 35 weeks.

## Canada Child Tax Benefit

The Canada Child Tax Benefit is a tax-free monthly payment made to eligible families to help them with the cost of raising children under age 18. The CCTB may include some or all of the following benefits:

- **Basic Benefit (CCTB)** – this benefit is paid monthly to all parents who qualify. You will get \$113.91 for each child under 18 years. You may also get extra benefits if you have more than two children. The amount is reduced for families earning more than \$41,544.00.
- **National Child Benefit Supplement (NCBS)** – this benefit is paid to low-income families with children. You will receive \$176.50 for the first child; \$156.08 for the second child; and \$148.50 for each additional child. If you earn more than \$24,183.00 (net) the total benefit received will be reduced.

- **Child Disability Benefit (CDB)** – this benefit is paid to families with disabled children. If you qualify, you may receive up to \$208.66 per month.
- **New Brunswick Child Tax Benefit (NBCTB)** – this non-taxable amount is paid to NB families with children under 18. The monthly amount is \$20.83. That amount is reduced for families earning more than \$20,000.00.
- **New Brunswick Working Income Supplement (NBWIS)** – this benefit is paid to NB families who work but earn a low income above \$3,750.00. The maximum monthly benefit paid is \$20.83.
- **New Brunswick School Supplement Benefit (NBSS)** – this benefit is a once a year payment to assist low income New Brunswick families earning \$20,000 or less per year with the cost of back-to-school supplies for their school-aged children. Eligible individuals will receive a maximum of \$100 per year per child.

For more information on CCTB call 1-800-387-1193 or click on [www.cra-arc.gc.ca/benefits](http://www.cra-arc.gc.ca/benefits)

**Did you know...** if your situation changes, for example, your child no longer lives with you, be sure to advise the CRA as soon as possible, as this may affect the amount of benefits to which you are entitled.

### You are eligible to receive the CCTB if:

- You live with a child who is under 18.
- You are the parent or person primarily responsible for the daily care and upbringing of the child.
- You are a resident of Canada.
- You or your spouse or common law partner is a Canadian citizen, a permanent resident, a “protected person,” or a temporary resident who has lived in Canada for the previous 18 months.

You should apply for the CCTB as soon as possible after:

- your child is born. You will usually receive an application in the hospital; or
- a child starts to live with you.

Your application is considered late if it includes a period that started more than 11 months ago. If your application is late, in order to get payments for the entire requested period you must apply for an extension.

- You can apply for the CCTB by using the “Apply for Child Benefits” online service on My Account at [www.cra.gc.ca/myaccount](http://www.cra.gc.ca/myaccount) or you can send a completed CCTB Application, Form RC66.
- You must have filed your income tax return for the previous tax year or previous two years depending on your baby’s birth date or on your expected due date. If you have not already done so, you should probably file your Income Tax Returns as soon as you know you are pregnant to avoid delays in receiving your CCTB.
- You must file your Income Tax Return(s) even if you had no income to declare.
- To continue getting the CCTB, you and your spouse or common-law partner each have to file separate income tax and benefit returns every year.

Example of benefit period is July 2011 - June 2012.

If your baby was born in February 2012, you would need to file your 2010 Income Tax Return.

- If you live at home with your parents and your parents receive the CCTB for you, when your baby is born you can apply for the CCTB for your child and if eligible, will receive a separate cheque for your baby in your own name. If you have any questions concerning the program, you may call 1-800-387-1193.

### New Brunswick Daycare Assistance Program

- Financial assistance for daycare costs are available to people on Income Assistance and for others who only need daycare subsidies, if they meet the financial criteria. Daycare benefits are available for employment, education and/or employment training, medical treatment and Early Childhood Initiatives.
- You may get the full amount of your daycare costs or only a part of them. The amount of benefits you get may vary depending on what program you are in, so you should ask your caseworker for more details.
- If you are over 16 years of age and in high school or in training equivalent, you may be eligible for daycare-only benefits. Your child must be in a licensed daycare. If you are on Income Assistance you may also qualify for daycare assistance.
- If you are going to university or college and you are already on Income Assistance, you are probably not eligible for daycare assistance. In limited situations, you may get help, for example, if you are already in classes and

## VI. SOCIAL ASSISTANCE

### Eligibility for Social Assistance

- If you cannot provide your basic needs for food, clothing or shelter, or the needs of any children, you have the right to apply for **Social Assistance**.
- Social Assistance, sometimes known as welfare, can help you with these and other expenses such as utilities, household and medical expenses, and daycare benefits. It may also help with any emergency or special expenses.
- To be eligible for Social Assistance you must be a resident of New Brunswick. Phone the nearest Department of Social Development office and set up an appointment. You should ask which documents or papers you need to bring to your appointment. For example, you will likely need to take your Social Insurance Number and Medicare card and the Medicare cards and birth certificates of any children. You will also need to bring proof of type of housing or living arrangements including the costs of your accommodations and your 'Record of Earnings', if applicable.
- First Nations members living on a reserve are not eligible for assistance from Social Development. You should apply at your Band office. If you live off-reserve, you may be eligible under the provincial plan.

### Types of benefits available

- Depending on your financial need, the following benefits may be available to you:
  - Basic Income Assistance (Income Assistance and Social Assistance mean almost the same thing);
  - Health Benefits (includes Optical, Dental, Prescription Drug and other possible benefits);
  - Daycare or Alternative Childcare Benefits;
  - Prenatal and Postnatal Benefits (you may qualify for these benefits even if you don't qualify for basic assistance).
  - Emergency Benefits (ask your case manager).

**Did you know...** your Child Tax Credit and GST benefit are not considered income for Social Assistance purposes? They will not be deducted from your cheque.

waiting for a decision on your student loan. You should ask for childcare in your Student Aid application. A supplemental amount may be available, however, if the amount of Student Aid is not sufficient. Ask your caseworker for more details.

- Post-secondary students not currently on Income Assistance may be eligible for daycare assistance provided they meet the financial criteria.
- If you have alternative daycare arrangements, such as a babysitter (including family members), you may still be eligible for the childcare subsidy. However, you must be able to show that there is no licensed daycare within a 5 km radius of your home, workplace or training institution, or that it cannot provide supervision of the children during the hours required or for the ages of your children. You must also meet the financial and other criteria.

For more information, visit [www.gnb.ca](http://www.gnb.ca) (keyword: child care).

### Canada's Universal Child Care Benefit

- The Universal Child Care Benefit provides financial assistance to Canadian families with young children. Parents will receive \$100.00 a month – up to \$1,200.00 a year – for each child under six.
- If you already receive the Canada Child Tax Benefit, or have already applied for it, you do not need to apply for the Universal Child Care Benefit. You will receive it automatically. If not, you will need to apply for the Canada Child Tax Benefit.

Application forms are available on the Canada Revenue Agency website at [www.cra.gc.ca/uccb](http://www.cra.gc.ca/uccb) or by visiting a Canada Revenue Agency Office or Service Canada Centre.

**Note:** This guide provides an overview of a few of the benefits offered under social assistance.

**For more information** you can read the full Social Assistance policy manual online at the government of New Brunswick's website – [www2.gnb.ca/content/gnb/en/departments/social\\_development/policy\\_manual.html](http://www2.gnb.ca/content/gnb/en/departments/social_development/policy_manual.html) or call your local Social Development office.

## Getting Income Assistance

- If you are 16 years of age or older, the amount of money you will get will depend on the amount of financial income you receive from other sources.
- You may qualify for a different amount if you are:
  - A single parent;
  - Leaving an abusive situation;
  - Disabled;
  - Live with your parents.
- The amount of money you get is subject to change. In 2012, the rate for a single parent with one child is \$809.00 monthly.
- Once your application is approved, you will get assistance from the date of the application. Income Assistance can take various forms: a monthly cheque, a voucher, electronic deposit or any other means considered appropriate.

If you are under 16 you are not eligible for Income Assistance.

If you are under 16 years and need financial assistance, contact the Department of Social Development. Someone there will help you. Ask a trusted adult to assist you when dealing with the Department.

## Child Support and Social Assistance

- If you are under the age of 19 you are expected to co-operate with Social Development in applying for support from your own parent(s), even if you are a parent yourself, by signing a **Statement of Non-Support**. Upon signing the statement, Social Development will seek support from your parent(s). If you refuse to sign the statement, you will not be refused financial support.
- If you are a single parent, you are expected to explore all resources including child support from the other parent. If you do not already have an agreement or order for child support, Social Development will try to help negotiate a voluntary support agreement with the other parent, if possible, or make an application to the court on your behalf.
- The other parent will send the support payments to the Court and the Court will send them to the Minister of Social Development. You will continue to get regular benefits. When you are no longer getting social assistance, the Court will send the support payments directly to you.
- Any child support you do receive will be deducted from your social assistance cheque.

**Did you know...** in most cases, you can earn up to \$150 - \$250 a month while on Income Assistance without affecting your social assistance cheque? Any amount over this will be deducted dollar for dollar from your monthly cheque. Ask your case manager for more details.

## Special Rules for Persons Under 21 Years of Age

If you are under 21, there are special qualifying rules and rates. Here is what you should know:

### 16-18 Years Old, Pregnant and Living in Parental Home

- **If you are pregnant** and your parents receive Income Assistance, you will not receive a separate cheque but the amount of assistance the family receives may be increased.
- If you are 16-18 years and your parents are not on social assistance, you are not eligible for financial assistance.
- **After the baby is born**, you may be able to receive social assistance under the following circumstances:
  - + If your parents are on Income Assistance and you qualify, you will receive a separate cheque at the **transitional rate** minus a 25% deduction for shelter.
  - + If your parents are not on Income Assistance but the family gross income is less than \$30,000, you may still qualify for the transitional rate minus the 25% deduction for shelter. If there is more than one parenting a child in the home, the family's gross income can be up to \$45,000.
  - + In both cases, you will be required to apply for support from the baby's father.

### 16-18 Years Old and Living Outside of Parental Home

- If you leave home when you are 16 to 18 years of age, Social Development must do a **Social Assessment** before you can complete an application for assistance. To qualify for assistance, the assessment must show that the circumstances of your parental home are unsafe, unfit or otherwise inappropriate for you. There are some exceptions to this policy, for example, if you are legally married. For more information, contact your local Social Development **Access and Assessment unit**. They can tell you about your options.

- The actual amount of financial assistance you receive depends on several factors: whether you live alone or with others and if so, the ages of the other persons, and whether you are a parent. **Youth in this category are generally subject to the Youth Policy (see below) which also affects the amount of assistance.**

**Note:** If you move from your approved living arrangements, you must contact Social Development to have the new arrangements approved in order to continue receiving support.

**If you are in a two-parent household** you are not subject to the Youth Policy Rates, whether married or not. You will receive the regular rate of assistance.

### 19-20 years old

- If you are 19 years or older, and living in your parental home, you may be able to get Income Assistance **after 7 months pregnant**. This applies whether your parents are receiving Social Assistance or not. During the remainder of your pregnancy you will qualify for the regular single rate minus 25% reduction. **Once your child is born**, you qualify as a separate parental unit and get the regular rates minus the 25% shelter reduction.
- **If you are pregnant and live outside your parental home**, you still fall under the Youth Policy. **Once your baby is born**, you are not affected by the Youth Policy, but rather you will qualify as a separate parental unit and receive the regular rate of assistance.

**If you are pregnant**, the participating rate of social assistance is \$333 per month. If you are considered to be "not participating" you are only eligible for \$58 assistance.

**If you are a single parent**, the participating rate is \$775 unless you are over 19 years, and then you are **not** covered by the Youth Policy. The non-participating rate for single parents is \$333.00. In either case, if you are a single parent you are entitled to the participating rate for the first 6 months after your baby is born.

## Youth Policy

The Youth Policy supports on-going education and training needs of youth. Under the policy, "**participating**" youths will receive counseling, career advice and financial assistance above the standard rate.

### What you should know about the Youth Policy

You are considered to be "**participating**" if you:

- are attending school or a training institute;
- are participating in a rehabilitation or remedial program;
- have a medical report stating you cannot participate in training;
- are willing to participate but are not capable of doing so or there is no available opportunity to participate.

### Going to University or College

- If you are on Income Assistance and you pursue a post-secondary education, Income Assistance does **not** pay for your tuition fees or the costs of your education.
- You are expected to apply for Student Aid, scholarships and bursaries for financial assistance to pay for expenses such as tuition, student fees, books, transportation, and child care. Any money you receive from these other sources will be considered income. This may affect your eligibility for your regular monthly cheque.
- If you want to further your education, you should talk to your case manager. You must get an approved case plan before registering as a student. Your case manager will be able to tell you whether you will be eligible for on-going Income Assistance.
- If you are a student and you are not on Income Assistance you may be able to ask for some assistance in limited circumstances. For example, you may get one month of assistance each academic year, if you meet the financial criteria and;
  - are independent as defined by Student Aid and have no other available resources, or
  - are dependent as defined by Student Aid, your parents make less than \$30,000 and you have no other available resources.
- You **cannot** receive Income assistance to help you out until your student loan arrives. Students in that situation should ask for assistance from the university or a financial institution.

- Students may qualify for basic assistance during Intersession (courses held during May-August) provided that the course is required and part of their case plan, and they have pursued all other avenues of financial assistance.

For more information on available services: **Back to School, Guide for Lone Mothers Seeking to Return to Post-Secondary Studies in NB**  
<http://www.acswccf.nb.ca/media/acsw/files/english/backtoschool.pdf>

Education Matters!!!	2001 NB average income
Less than High School Graduation	\$17, 074
High School Graduation	\$20, 395
College Certificate	\$27, 178
University Degree	\$40, 375

Source: Statistics Canada, Census of Population [www.statcan.gc.ca](http://www.statcan.gc.ca)

## Health Card

- If you are on Income Assistance, you may also be eligible for a Health Card. The Card provides limited care for dental and optical needs. Ask your case manager to explain your benefits before making an appointment with your dentist or optometrist.
- If you are not eligible for Income Assistance, you may still qualify for as a Health Card Only case in special circumstances. Call your local Social Development office for more information.

## Special Issues

### Asking for a Review of a Decision

- If you are unhappy with the decision about your circumstance given by Social Development, you have the right to have the decision reviewed. For example, you may have been denied assistance, or cut off. You may also ask for a review if there are delays in responding to your application.
- A Social Development staff person called the Area Reviewer will look over your case. Within 15 working days of receiving a Request for Review form, the Area Reviewer will make a decision on your case and will send you a letter letting you know the decision. The Area Reviewer may decide in your favour and overturn the Department's decision, or he or she may agree with the original decision and deny your application again.

- In most cases, you can appeal the decision of the Area Reviewer to the Family Income Security Appeal Board if you are still not satisfied.
- If you are not satisfied with the decision of the Appeal Board you can seek help from the Ombudsman. (506) 453-2789 or 1-888-465-1100.

You should be aware that there are strict timelines that you must follow. For example in most cases you have 30 days after receiving a decision to submit the appropriate form requesting a review.

For more information about appeals, contact your local Social Development office or go online:  
[www2.gnb.ca/content/gnb/en/services/services\\_renderer.200995.html](http://www2.gnb.ca/content/gnb/en/services/services_renderer.200995.html)



## VII. HEALTHY RELATIONSHIPS

### Effects of Parents' Relationship on Child

As a parent-to-be or a new parent, whether you are married, living with your child's other parent, or living separately, you should be aware that the nature of your relationship will influence your child's emotional well-being.

Some couples stay together, even when there is yelling and violence, because they think their children need two parents. However, you should consider the following:

- Research shows there can have a negative effect on the emotional development of children witnessing conflict between parents;
- Children exposed to violence, for example if they see or hear one parent abusing the other, are more likely to have emotional problems or trouble in school.
- Children who witness parental violence growing up may model the violent behaviour in their own adult relationships.
- Child protection laws in New Brunswick recognize that exposure to family violence may be a reason to remove the children from the home.

Healthy relationships are built on love, respect, caring and happiness. They can make you feel good about yourself. When parents can communicate and interact in a respectful and supportive fashion, even if they are separated, it helps to create a secure and nurturing environment for the children. If possible, it is important for you to have a healthy relationship with your child's other parent.

### Signs the Relationship is Not Healthy

Your relationship is not healthy one if you are experience one or more forms of "relationship abuse", which is sometimes called family violence or domestic violence or intimate partner violence. There are many signs that signal you are being abused. Physical abuse may include, for example, pushing, hitting, choking or threatening to harm you with a weapon or actually using a weapon.

Because the "victim" may have bruises or black eyes, people tend to think that an unhealthy relationship refers to physical violence.

**If your partner is harming you or your children, you should call the police. In an emergency, call 911.**

However, there are many other forms of abuse. Emotional or psychological abuse is one of the most common and frequent forms of abuse; yet may be more difficult to recognize. It can include a broad range of hurtful behaviour ranging from insults, name calling, controlling where you go and who you talk to, isolating you from family and friends, harming your property or pets, and getting extremely jealous.

**Did you know...**sexual abuse can happen even in a marriage or dating relationship? Sexual abuse includes unwanted touching or sexual activity. It may include control over birth control, forced pregnancies or abortions and transmission of STDs.

Finally, you should be aware of other abusive tactics such as: forcing you into unwanted sexual activity (sexual abuse); controlling all the money (financial abuse); and mocking your religious beliefs (spiritual abuse) and insisting that you take drugs or alcohol.

**You should know that these kinds of controlling and bullying behaviour are abusive and unhealthy. Many are against the law.**



## VIII. FINDING HELP AND INFORMATION

Whether you are dating, living together or married, you can get more information on how to recognize unhealthy and healthy relationships. There are resources and services available to help people living with abuse. These resources will help you decide where to turn to get help and how to leave safely. Check out these PLEIS-NB publications:

Check out these PLEIS-NB publications on our website (see below) or email us for copies at [pleisnb@web.ca](mailto:pleisnb@web.ca):

- **Teens and Dating**
- **Teen Dating: Are You in a Healthy Relationship?**
- **Am I a Victim of Family Violence?**
- **Before Getting Married...Be Sure Your Home is Loving and Safe**
- **Creating Healthy Personal Relationships: An information Booklet for Aboriginal Women**
- **You can recognize the warning signs that someone is being abused**
- **Leaving Abuse: Tips for Your Safety**
- **Peace Bonds and Restraining Orders**
- **Safety Planning for Aboriginal Women**
- **Someone is Hurting my Mom: My Safety Plan**
- **Information for abused women - Survival Strategies**
- **Ending Abuse In Your Relationship: A woman's roadmap to Empowerment**

For further information about parenting, family law, your rights and obligations and other helpful resources, check out the following websites:

Public Legal Education and Information Service of New Brunswick  
[www.legal-info-legale.nb.ca](http://www.legal-info-legale.nb.ca)

Family Law NB  
[www.familylawnb.ca](http://www.familylawnb.ca)

Justice Canada – Supporting Families  
<http://www.justice.gc.ca/eng/pi/fcy-fea/index.html>





## NOTES:

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