Other Family Issues

Crucial family issues sometimes arise regardless of whether parents are married, separated, or divorced. Two important matters to consider are; protecting children from abuse, and giving children up for adoption.

Protection of Children

* Parental responsibility goes beyond financial support. Parents must also care for their children and protect them from harm.
* It is an offence to abuse a child, physically or sexually.
* All provinces and territories have also enacted laws to protect children from neglect and abuse.
* Everyone has the responsibility to report suspected cases of child abuse, which includes physical abuse, sexual abuse, failure to meet the child's medical needs, neglect, or abandonment.
* A number of agencies, such as the Children's Aid Society have been established to help ensure the protection of children.
* The Society tries to resolve problems without removing the children from the home, but if counselling and other measures fail, the children may be removed. This is generally done temporarily.
* In extreme cases, the judge may find that the natural parents should no longer have the right to care for their children. In this situation, the judge will issue a Crown Wardship Order.

Crown Wardship Order: A family judge's order to remove the children permanently from their parent's home and be placed in a foster home or put up for adoption.

Adoption: is a legal process by which a couple (or a single person) becomes the legal parents of a child.

Adoption

* To be eligible for adoption, a child must be under the age of 18.
* If a child has been removed from an abusive situation through a Crown Wardship Order, permission for the adoption from the natural parents is not needed.
* If a child is put up for adoption, the child's natural parents must give consent for an adoption to take place
* In the case of infants, there is a waiting period of between 7-14 days after the birth before a child can be placed for adoption.
* There is a further period of 3-4 weeks before the child is placed with the adoptive parents in case the natural parents change their minds.
* Older children who are being adopted must give their consent.
* Once the adoption process is complete, the child becomes the legal child of the adopting parents, and they assume all responsibility for the child.
* In the event of a marriage breakup, the child is treated in the same manner as a biological child.

Spousal Support refers to money that one spouse pays the financially dependent spouse once the marriage or relationship has terminated.

* During their marriage, partners are obligated to financially support each other, and this obligation can continue after the marriage ends.
* Factors the courts consider when awarding support include: the needs of the spouse applying, the ability of the respondent spouse to pay, how long they have lived together, the role each partner played in the relationship, any pre-existing financial agreements.
* Common-law partners have the same legal obligations if they have made such an agreement or if they are considered common-law spouses in their province (usually 3 years)
* Support payments can last until the partner is self-sufficient.

Enforcing Support Payments

A parent who fails to pay child or spousal support can cause serious financial hardship for the family. Failure to comply with court orders can result in contempt charges and jail sentences. These cases are rare.

Provinces have created enforcement agencies that help collect child and spousal support.

For example, in Ontario, information and pictures on defaulting spouses are posted on the Ministry of Community and Social Services Website.

Agencies can try to collect money from the parent, or have the courts order the wages to be garnished. Another option in Ontario is a parent who defaults on the support payments may have their driver’s licence suspended.