

Custody & Access – Quiz

1) What does it mean to have custody of a child?

Custody is not just having a child in your physical care. It also includes care of that child and the ability to make important decisions about the child. Healthcare, education, and religion are some of the decisions that a custodial parent will have to make.

2) What is the term for having a child in your care when you do not have custody?

Access.

3) What does a court do when a parent is allowed to see their child but there are concerns for the child's safety or care?

The court can order supervised access. This allows a parent who may have addiction issues, a history of emotionally or physically abusive behaviour, or who is unable to otherwise supervise the child to have access with their child under controlled circumstances.

4) Which parent has the right to access school and medical records of a child?

Both parents usually have a right to access school and medical records and reports about a child. In rare circumstances, a court may restrict the right to this access. This is a right to information only, not a right to be consulted in decision-making.

5) Define the following types of custody arrangements:

- a) Sole Custody - Sole custody means that the child is primarily or solely in the care of one parent. That parent has the right to make decisions about the child and has physical care and control of the child. If parents have never lived together after a child is born, the parent who has the child in their care is presumed to have sole custody under *The Family Maintenance Act*.
- b) Joint Custody - Joint custody means that both parents are involved in the provision of care and decision-making regarding a child. One parent may be granted final decision-making power if there is a disagreement or the parents may have to attend mediation if they cannot agree. It does not necessarily mean that there is an equal sharing of time between the parents. Parents are presumed to have joint custody of their child if they

lived together after their child was born according to *The Family Maintenance Act*.

- c) **Split Custody** – Split custody is only possible where there are two or more children. Each parent has at least one child in their care at least 60% of the time. Custody of the children may still be joint with one parent having primary care and control and care of the child over 60% of the time, or there may be sole custody of the child.
- d) **Shared Custody** – Shared custody means that parents shared decision-making regarding the child and each parent has the child in their care for at least 40% of the time. Shared custody is a type of joint custody