

## ***Here are some questions you should ask yourself.***

### **Whose last name should the child have?**

You have several choices:

- The mother's last name
- The father's last name
- The mother's and father's last names together
- Any last name you wish to use

The mother does not need permission to use the father's last name, when naming the child. Using someone's name does not mean they are legally recognized as the father.

The child does not need the father's last name in order for the mother to get child support or the father to get parenting time.

### **Will the father automatically be recognized as the birth father on the birth certificate?**

The father will be legally recognized on the birth certificate only if:

- Both parents sign the registration form
- Either parent gets a Court Order saying he is the father.

### **Who gets to make important decisions about the child?**

Parents who live together after their child is born both have the right to make important decisions about the child.

If parents do not live together after their child is born, it is usually the parent the child lives with who makes these decisions.

A Parenting Arrangement (made by the parents) or a Parenting Order (made by the Court) could make different parenting arrangements.

### **What is a parenting arrangement?**

A parenting arrangement describes how much parenting time each parent spends with their child and who is able to make important decisions about the child's well-being.

### **What does a parenting arrangement look like?**

Parenting arrangements vary from family to family, depending on each family's situation. Parents might have equal parenting time with their child, or one parent may have more parenting time than the other parent. Parents may both be able to make important decisions about their child, or one parent may have the final say if they cannot agree.

Parenting arrangements should always be made with the child's best interests in mind.

### **What happens if our parenting arrangement is not working?**

If your parenting arrangement is not working, you may be able to have it changed. If the arrangement is a formal agreement between you and the other parent, you may be able to work out a new arrangement together. If the arrangement was made by the court in a parenting order, you will need to apply to the court to have it changed.

If the other parent is not following the parenting arrangement (for example, not returning the child after a scheduled visit), you should talk to a lawyer to discuss your options.



### **Will the other parent be allowed to spend time with the child?**

Each parent is entitled to as much parenting time as is in the child's best interests. This does not necessarily mean each parent will be allowed to spend equal amounts of time with the child. It does mean that usually both parents will be allowed to spend some time with the child. The only exception to this is if the court thinks it is in

the child's best interests to not see one parent at all.

### **What if I don't want the other parent to see the child?**

Speak with a lawyer for advice. Explain to the lawyer why you do not want the other parent to have parenting time with their child. The fact that you are not with the other parent, or do not like the other parent are not good enough reasons to prevent the child from seeing their parent.

### **Does a parent get parenting time if they pay child support?**

Parenting time and child support are separate.

All parents have an obligation to support their children until age 18 and longer if they are not able to support themselves because they are disabled or in school. The obligation exists regardless of how much the parent sees the child.

Whether or not you get child support, depends on the other parent's financial situation.

### **What about grandparents' rights?**

Grandparents do not automatically have rights to have contact with grandchildren. If the grandparents cannot work out arrangements with the parents, they can speak to the Grandparent Advisor Office or they can see a lawyer to talk about choices.

### **What if I choose not to parent?**

At times you may ask someone else to temporarily take care of your child. If this arrangement is going to be for more than just a few days or if you are not going to be easily available, make sure that the person has a letter signed by you and witnessed by another adult, stating that they can make medical decisions for the child.

Similar letters or a court order may be needed to enroll your child in school, to travel, to move with the child or apply for social assistance for the child.

Sometimes temporary arrangements become more permanent. See a lawyer to talk about choices.

### **If I die, who will look after my child?**

If one parent dies, usually the other parent is responsible for the child's care.

If another person wants to look after the child (for example a grandparent), that person can apply to the court for guardianship.

If you make a will, you can say in the will whom you want to be the guardian of your child. That person will still have to go to court to get guardianship. The court will consider your wishes when they decide what is best for your child.

It would be best to see a lawyer to have a will made.



### **What is a Power of Attorney?**

A Power of Attorney is a legal document that lets another person make choices about your legal and financial matters. The Power of Attorney is a written document that must be signed by you and a witness.

Both you and the person you choose to have Power of Attorney for you must be at least 18 years old and mentally capable.

It is best to see a lawyer about a Power of Attorney.

### **What is a Health Care Directive or Living Will?**

A Health Care Directive is a form that tells a health care provider what medical treatment you want if you are not able to do so yourself because you are injured or not mentally capable. The form may also name someone to be your proxy. A proxy is someone you trust to make decisions for you.

### **When should I see a lawyer?**

A lawyer can help with the following

- Wills
- Power of Attorney
- Child Support
- Parenting Arrangements
- Guardianship

### **What if I cannot afford a lawyer?**

Depending on the problem and your financial situation, you may qualify for Legal Aid.

Legal Aid – 204-985-8500 or  
1-800-261-2960 (toll-free outside Winnipeg)  
[www.legalaid.mb.ca](http://www.legalaid.mb.ca)

### **What if I just want to talk to someone if I have a legal question?**

For information about the law, you can call Law Phone-In & Lawyer Referral Program.  
**204-943-2305** or **1-800-262-8800** (toll-free outside Winnipeg).

### **Other Resources**

Family Resolution Service – 204-945-2313  
Toll free 1-844-808-2313  
[GetGuidance@gov.mb.ca](mailto:GetGuidance@gov.mb.ca)

For a copy of the child's birth certificate.  
Vital Statistics – 204-945-3701 or  
1-800-282-8069 ext. 3701  
[vitalstats@gov.mb.ca](mailto:vitalstats@gov.mb.ca)

Maintenance Enforcement – 204-945-7133  
<https://www.gov.mb.ca/justice/family/mep>  
(for child/spousal support)

Health Care Directive (living will) forms.  
<https://www.gov.mb.ca/health/livingwill.html>

The information in this pamphlet is general information for single parents. It is not legal advice. For legal advice, see a lawyer.

# Legal Tips for Single Parents



**Now that you're going to be a parent,  
you're making decisions for more than  
just you.**

**Have you thought about legal matters  
for you and your child?**



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301 – 441 Main Street  
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[www.communitylegal.mb.ca](http://www.communitylegal.mb.ca)

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