

## ***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 custody.

### **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 will have custody of the child?**

Parents who live together after their child is born have joint custody.

If parents do not live together after their child is born, the parent that the child lives with has sole custody.

A Custody Agreement or Court Order could make different custody arrangements.

### **What does sole custody mean?**

When you have sole custody, the child lives with you and you make major decisions for the child (for example what daycare the child attends). The other parent usually has visiting rights or access.

### **What does joint custody mean?**

Joint custody means both parents share in making major decisions about the child.

The child will live with one parent (Primary Care and Control) and visit the other parent. The parent the child lives with will make day-to-day decisions, but must discuss major decisions with the other parent.

### **What happens if joint custody is not working?**

If either parent does not follow the Custody Agreement (for example the child is not returned after a scheduled visit), then either parent can see a lawyer to talk about choices.



### **Will the other parent have visiting rights or access?**

Access is the right to visit with the child. It is also the right to receive information about the child's health and education.

Access does not include the right to make decisions about the child. Usually, if one parent has custody, the other parent has visiting rights or access.

Visiting rights can vary from case to case. If the parents cannot agree on visiting arrangements, either parent can see a lawyer to talk about choices.

### **What if I don't want the other parent to have visiting rights or access?**

Speak with a lawyer for advice. Explain to the lawyer why you do not want the other parent to have visiting rights. The fact that you are not with the other parent or no longer like them, are not good reasons to have visiting rights stopped.

### **Does a parent have visiting rights or access if they pay child support?**

Visiting rights and child support are separate issues.

Parents have an obligation to support their children until age 18 and longer if they are still attending school.

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

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

Grandparents do not automatically have visiting rights to grandchildren. If the grandparents cannot work out visiting arrangements with the parents, 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 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.

## What if I die, who will look after my child?

If one parent dies, usually the other parent will have custody.

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
- Custody and Access
- Guardianship

## What if I cannot afford a lawyer?

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

Legal Aid - 985-8500 or  
1-800-261-2960 (toll-free outside Winnipeg)

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

For information about the law, you can call Law Phone-In & Lawyer Referral Program.

Law Phone-in - 943-2305 or  
1-800-262-8800 (toll-free outside Winnipeg)

## Other Resources

Mediation services about custody and visiting rights.  
Family Conciliation - 945-4756

For a copy of the child's birth certificate.  
Vital Statistics - 945-3701 or  
1-800-282-8069 ext. 3701 (toll-free within Manitoba only)

Problems with collection of child support.  
Maintenance Enforcement - 945-7133

Health Care Directive (living will) forms.  
Manitoba Health Publications - 945-0570

Winnipeg Child and Family Services  
Intake 944-4200

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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