

Can a Parent End All Rights and Obligations to a Child?

Child Support

The purpose of this series of fact sheets is to provide information on some issues related to child support. This particular fact sheet offers information for parents who are wondering how to **end certain obligations toward their child.**

Unless a child is given up for adoption, the biological parents have legal rights and obligations to their children. Even if the parents are not married to each other or have never lived together, they cannot just walk away from those obligations.

Sometimes one or both parents may wonder if there is a way to legally end parental rights and obligations to a child. This factsheet offers information on parental rights and obligations to their children and when and how it might be possible to end them.



What are my obligations for child support?

As a parent, you have an obligation to provide support for your child. If you are not living with the child, this will usually take the form of a child support payment.

You are obligated to contribute financially for your child until that child is no longer a **“dependent.”** In New Brunswick children are considered dependents at least until they reach the age of 19.

Child Support after 19

In certain situations, children will be considered dependents longer if they are enrolled in post-secondary education or if they have a disability.

The court will decide child support after age 19 on a case by case basis. Support usually will last until the end of the first diploma or degree, to a maximum of 4 years unless there are special circumstances as to why the child could not complete their degree in 4 years.

What if I don't have access to my child?

No one can force you to spend time with your children, however, **you cannot end** your legal obligation to financially provide for your child even if you stop seeing the child or participating in decisions about the child's upbringing. Child support is the child's right.

Even if the primary care parent agrees that you should be out of the child's life and promises not to ask the court to make you pay child support, if that parent goes on social assistance, by law, the government will apply for child support on the child's behalf. If you were married to the other parent and you decide to apply for divorce, the judge must ensure that you financially support your child before granting the divorce.

If the custodial parent has been refusing you access rights (parenting time spent with your child), you cannot retaliate by refusing to pay child support. You should speak with a

lawyer about legal options for seeing your children.

What are my rights around raising the child?

In the absence of court order stating otherwise, as a biological parent, you have legal joint custody of the child. This means you have a say in decision making about the child and you have the right to spend parenting time with the child. In New Brunswick the time you spend with the child is called **“access.”**

Either parent can withdraw from access and decision-making regarding their child. Courts cannot force a parent to spend time with their child. After a long period of absence, the primary care parent may ask the court to legally end your rights to the child.

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How does the access parent legally withdraw their parental rights?

The process for legally ending your rights depends on who will be caring for the child.

If the child will remain in the care of one parent, you can sign a domestic contract giving the child's custodial parent sole custody. This will allow that parent to be solely responsible for health, travel, educational and other care decisions for the child without requiring your consent.

Learn more by reading our pamphlet on **Domestic Contracts.**

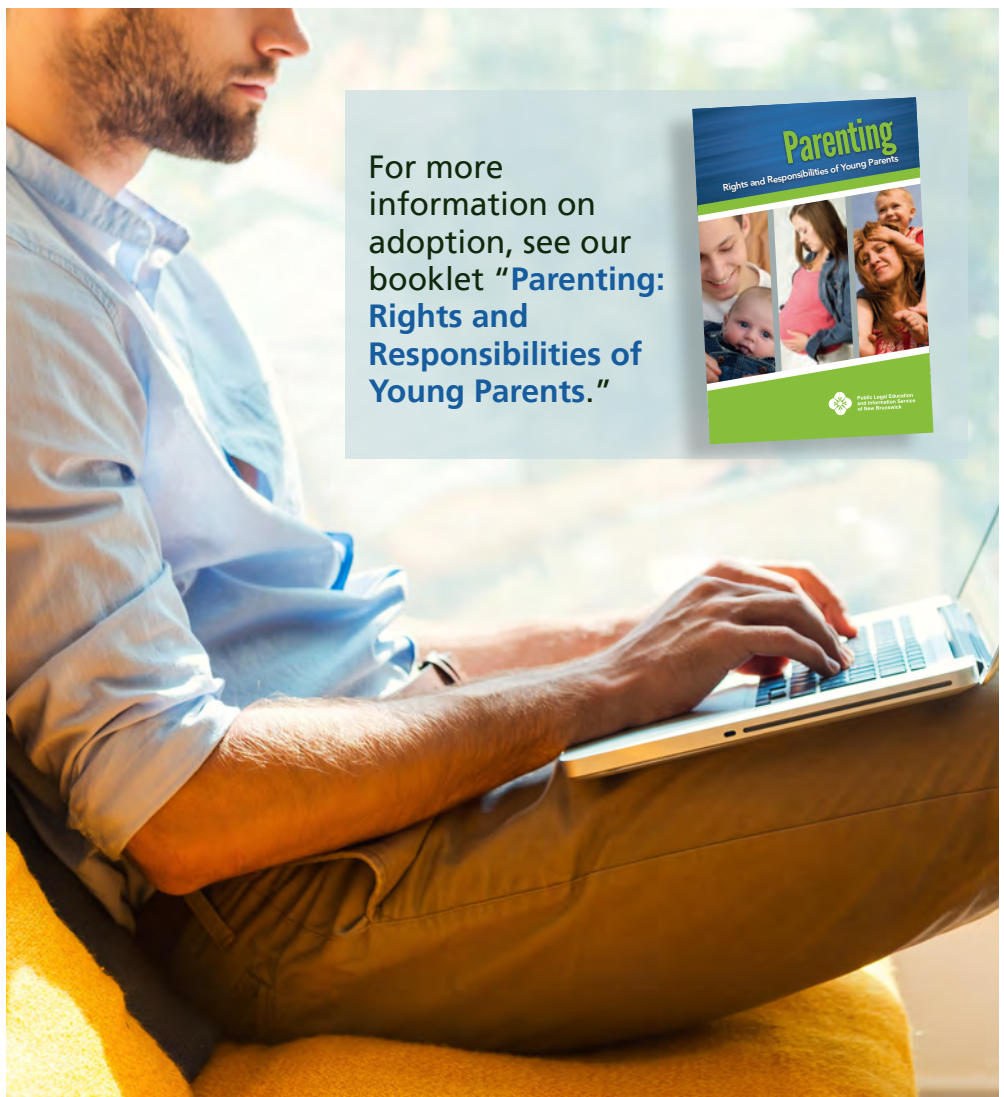
If the child will be living with someone other than a parent, such as a grandparent or aunt/uncle, you should ask a lawyer to draft a guardianship agreement that outlines all of the rights they have in relation to the child. The guardianship agreement should be signed by both parents and the child's caregivers after they have all received independent legal advice.

If you do not sign an agreement, the person who the child is living with may request an order from the court granting them sole custody. This approach is usually more time consuming and stressful on everyone involved.

What if my child is adopted?

Adoption is a legal process that creates new parent-child relationships. The child becomes the legal child of the adoptive parent(s) and is no longer the legal child of his or her birth parents. This terminates your parental obligations and rights.

In both a private adoption and in an adoption by a spouse, both biological parents must consent to the adoption (or the consent must be waived by a court after the biological parents are given an opportunity to respond).



For more information on adoption, see our booklet "Parenting: Rights and Responsibilities of Young Parents."

If the child's custodial parent's new spouse legally adopts your child, then your obligations as a natural parent are terminated.

In a Ministerial Adoption, birth parents transfer their parental rights and responsibilities toward the child to the Minister of Social Development under a Guardianship Agreement or Order. You can consent to transfer your rights to the Minister any time after the birth of the child. A Guardianship Agreement cannot be entered into unless both parents consent.



This is general information about the law and laws change from time to time. Anyone requiring advice on their specific situation should consult a lawyer. If you have questions on your options call the toll-free **Family Law Information Line** at:

1-888-236-2444

info@familylawnb.ca



**Public Legal Education
and Information Service
of New Brunswick**

PLEIS-NB is a registered charity dedicated to educating the public about the law. PLEIS-NB receives funding and in-kind support from Justice Canada, the New Brunswick Law Foundation and the Office of the Attorney General of New Brunswick. Financial assistance for this fact sheet project was provided by Justice Canada's "Canada Family Justice Fund".