

Grandparents and Grandchildren *in Alberta*



This booklet is for grandparents who want to know about their options for staying in contact with their grandchildren in Alberta or regaining contact if it has been (or might be) taken away. For grandparents who are concerned about the safety and well-being of their grandchildren, this booklet provides information about options that may enable those grandparents to care for their grandchildren.



You should **NOT** rely on this booklet for legal advice.
It provides general information on **Alberta law only**. 2019

DISCLAIMER

The contents of this booklet are provided as general information only. It is not legal advice. If you have a legal problem, you should consult a lawyer.

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Do grandparents have rights?

This booklet only discusses guardianship under the *Family Law Act*.

For information about private guardianship under Alberta's *Child, Youth and Family Enhancement Act*, please see:

www.cplea.ca/childwelfareseries

Or consult with a lawyer.

Mediation is a resolution process where a neutral person helps everyone work together to come up with a plan.

A **mediator** does not take sides and will not force an agreement on anyone.

Alberta's *Family Law Act* sets out the law on guardianship of, parenting of, and contact with children. Nothing in the Act specifically gives or protects grandparents' rights of contact with their grandchildren.

The law does not assume that children have a right to a relationship with the grandparents.

Nor does it assume that a grandparent has a right to a relationship with a grandchild.

The *Family Law Act* outlines possible options for grandparents when guardians (typically parents) and grandparents cannot agree on contact with a child. This legislation allows grandparents to apply to the court for a **contact order** in these cases.

You can also apply for permission to care for (this is known as **kinship care**) or to have **guardianship** of your grandchildren under the *Family Law Act*.

You can also apply for **private guardianship** under Alberta's *Child, Youth and Family Enhancement Act*. That Act applies when the children:

- are already under the care of Children's Services;
- are subject to a temporary guardianship order; or
- are subject to a permanent guardianship agreement or order.

Private guardianship is not discussed in this booklet.

For more information please visit:

<https://www.cplea.ca/childwelfareseries>

Or consult with a lawyer.

If you are concerned that you might lose contact with your grandchildren, get to work immediately. There are steps you can take to avoid the need to go to court:

- If you have a good relationship with your child and their spouse, continue to build on that. Give advice only if asked for, and avoid arguments.
- If there is a separation or divorce, do not take sides or criticize the parents, especially in front of the children.
- If you suspect things are going wrong, contact one of the many support groups available.
- If there is hostility between you and the parents of your grandchildren, keep a record of telephone calls, visits, and what was said and done. Make notes of problems such as parents' abuse of drugs or alcohol. Number the pages and write on one side only. These notes could be important in the event of **mediation** or a court case.
- Try to rebuild your relationships with the parents.
- If you lose contact with your grandchildren, you can decide to involve the courts or wait until the children can decide for themselves. If you decide to wait until the children are older, continue to do things for your grandchildren. For example: send cards and gifts, call on birthdays and holidays, or set up a trust fund for them.



If you have reason to believe that one or more of your grandchildren are being neglected or abused, contact:

the **Alberta Child Abuse Hotline**, 1.800.387.KIDS (5437)

This hotline is available:

24 hours a day and 7 days a week, and in many languages.

All adults in Alberta have a legal duty to report child abuse if they have reasonable grounds to suspect it is happening.

Contact with Grandchildren

Sometimes there are valid reasons for not allowing grandparents to see their grandchildren. Generally, though, **contact** is denied because of a family dispute or because of a separation, divorce, death, or remarriage.

Avoiding Court

Court may be avoided if you and the parents can agree on a contact arrangement. Jointly agreeing on a schedule that everyone is satisfied with is usually the best solution for everyone. Arrangements should be in writing and signed by the guardians and grandparents in front of witnesses. The signed agreement can be presented to the court and filed as a **consent order**.

If you need help talking about or writing up an agreement, you can contact a mediator or a lawyer. Working with a mediator or lawyer can decrease conflict and support positive long-term relationships between everyone involved. A mediator is a neutral person who helps you try to reach an agreement on an issue. A lawyer usually can only represent one party to a dispute so it may be necessary for you and the parents to each have your own lawyers. Some lawyers also work as mediators.

If you and the guardians cannot agree on contact, you may have to ask a judge to make a **contact order**. Going to court can be costly and the judge may not give you what you would prefer so it should be a last resort in most cases.

Contact Order: Separation, Divorce, Death or Remarriage

Grandparents can apply for a contact order under the *Family Law Act* if:

- the guardians are the parents of the children; and
- the guardians are living separate and apart or one of the guardians has died; and
- the grandparents' contact with the children has been interrupted by this separation or death.

If all three of these things are true, you can apply to the court for a contact order. If any of the three things are not true, then there is an extra step: You will need permission from the court to make an application for a contact order before you can actually apply for the contact order.

Contact Order: Intact Family

An **intact family** is one that has not been affected by separation, divorce, death or remarriage of a parent. In intact families, the ability of grandparents to force contact with their grandchildren is even more restricted. Generally, the courts say that parents or guardians are in the best position to make decisions about their children. Unless there is a concern about the parenting abilities, or it is proven that the children are suffering greatly without contact with the grandparents, it is difficult for grandparents to get a contact order when the parents or guardians are against it.

When a family is intact, grandparents seeking contact must make two separate applications to the court:

1. they must first ask the court's permission to make an application for a contact order; and
2. if the court gives permission, they can apply for the contact order.

Getting the Court's Permission

To get the court's permission, you will need to complete at least two forms and file them with the court:

- Claim – *Family Law Act* (FL-10); and
- Statement – Permission from the Court (To Apply for Contact) (FL-44).

When you file the documents, the court will schedule a date for your matter to be heard. On that date, you will go to court and speak to the judge.

A **contact** is the right of a person who is not a guardian to spend time with a child. Contact may exist in the form of visits, oral or written communication, or any other form of communication.

A **consent order** is an order of the court that is decided upon by consent between the parties and then submitted to a judge for review and signature (as opposed to the parties presenting different sides to the judge and the judge making the final decisions).

A **contact order** is an order of the court made under section 35 of Alberta's *Family Law Act* in response to an application by a person requesting contact with a child. A contact order permits contact between the child and persons other than the guardian, such as grandparents or other people who are important to the child.

Forms are available on the Provincial Court Forms and Publications page of the Alberta Courts website

www.albertacourts.ca

For help locating these forms or information on the court process generally, you may contact **Resolution and Court Administration Services (RCAS)**
1.855.738.4747

<https://www.alberta.ca/rcas.aspx>

When it is deciding whether to grant permission to a grandparent to apply for a contact order, the court must consider the **best interests of the child**, including:

- the significance of the relationship, if any, between the child and the grandparent; and
- the necessity of making an order to provide for contact between the child and the grandparent (i.e. is there any other way for contact to occur?).

If the court gives permission, then the next step is to apply for a contact order. If the court denies permission, you may have the ability to appeal this decision. For more information on this, contact RCAS or a lawyer immediately. **There are very short time limits for filing an appeal.**

Getting a Contact Order

You can apply for a contact order if you have the court's permission or if you fall under one of the exceptions where you do not need the court's permission.

To apply for a contact order, you will need to complete at least two forms and file them with the court:

- Claim – *Family Law Act* (FL-10); and
- Statement – Contact (FL-42).

When you file the documents, the court will schedule a date for your matter to be heard. On that date, you will go to court and speak to the judge.

To be granted a contact order, a grandparent must show that contact between the child and the grandparent is in the **best interests of the child**, including whether:

- the child's physical, psychological or emotional health may be at risk if contact between the child and the grandparent is denied; and
- the guardian's denial of contact between the child and the grandparent is unreasonable.

There is no assumption that children have a right to a relationship with their grandparent.

The grandparent must convince the judge that it is in the best interests of the child.

Remember that a contact order is not guaranteed just because you apply to the court for one. There are several factors that the court will consider when deciding whether to grant a contact order.

Remember too that the amount of time given to grandparents will also depend on the kinds of orders already in place. For example, if one parent only has every second weekend with the children, then this may affect what time the grandparents can get with the children.

You do not need a lawyer to get a contact order but it is often better to have one represent you.

To find a lawyer, you can call the **Law Society of Alberta**

Lawyer Referral Service at 1.800.661.1095

If you qualify, you may be able to get a lawyer paid for by **Legal Aid**. There are also several clinics or programs across the province that offer legal help and representation.

A contact order can set rules about visits between the child and the grandparent, including how the child and grandparent can communicate. The court can add related provisions to the order if it thinks they are appropriate. For example, the order may allow the child to spend part of their summer vacation with the grandparents.

The judge can decide how long the order will be in place. It might be for a fixed period of time, an indefinite period or until a certain event occurs.

When deciding what is in the **best interests of the child**, the court will consider:

- the history of care for the child;
- the child's cultural, language, religious and spiritual upbringing and heritage;
- the child's views and preferences, where appropriate;
- the benefit to the child in developing a relationship with the applicant;
- the nature and strength of existing relationships;
- any history of family violence; and
- any civil or criminal proceedings that may be relevant to the child's safety or well-being.

Enforcing a Contact Order

A contact order is like any other court order. It should be obeyed.

If your grandchild's guardian is not obeying the contact order, have a calm and peaceful talk with the guardian for the sake of maintaining a long-term relationship. If this is not possible, you can apply to the court for help with enforcing your contact order. The court can grant an **enforcement order**. Once you have an enforcement order, the police can help you enforce the contact order so that you can have contact with your grandchildren.

If you have a lawyer, ask their advice about enforcement.

Changing a Contact Order

You can apply to the court to change, suspend, or end a contact order or any part of it. The person who applied for the order in the first place or a guardian of the child must make the application.

The court will not change the arrangement without careful consideration. Before the court changes a contact order, it must be satisfied that there has been a change in the needs or circumstances of the child. In changing the order, the court will consider only the **best interests of the child**.

Care of Grandchildren

This section will discuss two ways that grandparents can care for their grandchildren:

1. **Kinship Care** – If your grandchildren are receiving services from, or are in the care of Children's Services, you may apply for Kinship Care. This application is done through Children's Services.
2. **Guardianship** – Under the *Family Law Act*, you can apply for a **guardianship order** to appoint you as a guardian of your grandchildren if:
 - you have had care and control of your grandchildren for more than six months; and
 - you or the grandchild reside in Alberta.

(Note that the court may waive either or both of these requirements if the judge believes there are good reasons for doing so.)

Kinship Care and Guardianship each have their own requirements and each come with different rights and responsibilities for you. Both of these options will be discussed in more detail.

KINSHIP CARE

Kinship Care is a program of the Alberta government that allows children in the care of Children's Services to live with extended family members, such as grandparents. Kinship Caregivers receive financial help, training and support similar to Foster Caregivers.

KINSHIP CARE	FOSTER CARE
* caregivers care for a specific child that they have a relationship with	* children live in temporary homes where they may not have a relationship with the caregiver
* caregivers do not accept other children	* children may stay for a few days or many years
* caregivers receive some financial help	* caregivers receive financial compensation, training and support

The role of a Kinship Caregiver is to take on the responsibilities of a parent. This means taking care of the day-to-day needs of the child residing in their care, including the child's physical, emotional, spiritual, and cultural needs.

Kinship Caregivers also:

- work as part of a team together with the child, the parents and extended family of the child, the child's support network, caseworkers, and other professionals;
- may take part in training that improves and develops their parenting skills or is specific to the needs of the children in their care;
- attend planning meetings with Children's Services about ongoing arrangements to care for the children; and
- help and support contact between the child and their own family.

An **enforcement order** is an order of the court made under section 40 of Alberta's *Family Law Act* in response to an application by a person who has a right of contact with a child but has been denied time within 12 months of the application being made.

Becoming a Kinship Caregiver

A **Kinship Caregiver** is a family member or someone who has an important relationship with the child or children. Kinship Caregivers are not the biological parents or any person who has guardianship of the child.

To become a Kinship Caregiver, you must:

- be at least 18 years old;
- be willing to have the children placed in your home; and
- understand and be willing to proceed with the approval process.

You can either be asked or ask to become a Kinship Caregiver:

- If your grandchildren are in the care of Children's Services, a caseworker may contact you directly to let you know they are considering placing your grandchild in your care. You may be asked to attend a family or networking meeting to talk about safety planning for the children. If, during the meeting, it is determined that the children's safety cannot be met in their family home, you may be asked if you will become a Kinship Caregiver.
- You may also contact your local Children's Services office if your grandchildren are in the care of Children's Services and you are interested in becoming a Kinship Caregiver.

A child can be placed in your home on an emergency basis or you may be given notice, depending on the situation.

To be a Kinship Caregiver:

- You and all adults living in your home will be required to complete Criminal Record Checks, Vulnerable Sector Searches, and Intervention Record Checks.
- An "Environmental Safety Assessment for Caregivers" will be completed. The caseworker will visit your home to interview you and any children and other adults living in your home.
- You will be required to complete a medical examination and provide three references.
- You will have to complete orientation training and develop a support plan.

For more detailed information on the approval process, including for both immediate placement and placement after approval, see:

The **Kinship Care Handbook** available online at:

<http://bit.ly/2WiWaDe>

You must provide all children in your care with a safe and stable environment. This means the children:

- are protected from any form of violence in the home;
- have seasonally-appropriate clothing;
- are encouraged and helped to take part in recreational activities;
- are kept safe from alcohol, firearms, and toxic products. Alcohol and cleaning products should be kept out of children's reach. A locked box is required for medications. Firearms must have trigger locks and be stored separately from ammunition;
- are not left unsupervised if they are under age 12; and
- have only regular caregivers (e.g. babysitters) who have undergone a security clearance and Children's Services Intervention Record Check (your Kinship Care caseworker can provide forms).

You should carefully consider if you want to be a Kinship Caregiver.

Grandparent caregivers may find it rewarding to be involved in raising their grandchildren. They may also experience challenges, including social isolation, or financial or health problems.

You are already a parent and so you know that it is a big undertaking. You may wish to plan ahead for these potential difficulties.

Some things to think about:

- adapting to the caregiver role could require changes in employment, living arrangements, and social networks, as well as other lifestyle adjustments;
- since your adult children are having problems, you might have to contend with people who are skeptical about your parenting abilities; and
- some parents may be relieved to have grandparents take on the caregiving responsibilities, but many will not. If your adult children challenge the application, conflict is likely to increase.

Support for Kinship Caregivers

Kinship Caregivers receive financial compensation for the children in their care. This compensation includes:

- a basic maintenance allowance, based on the age of the child, that helps cover the day-to-day costs of raising a child such as food, clothing, shelter, personal care items, general household costs, a spending allowance, non-prescription medications, and gifts;
- a respite allowance which allows a Kinship Caregiver to take necessary and healthy breaks from the day-to-day demands of caregiving;
- infant care initial care expenses for the costs of equipment such as cribs or car seats for infants;
- infant care costs (monthly reimbursements to help compensate for baby supplies, such as formula and diapers);
- medical coverage (medical, dental and optical services) is available under each child's Personal Healthcare Number, their Treatment Services Card, or their Treaty or Registration Number (for First Nation children with Status).

If caring for your grandchildren becomes overwhelming, there is help available. From the viewpoint of Children's Services, it is best for the child to:

- stay with a family member if possible;
- remain in a stable and caring home; and
- not be moved too often.

A needs assessment conducted before your grandchild comes to live with you helps to address the needs of both the child and the grandparents. You may find that you need to go back to work part-time and require some childcare.

Children's Services will discuss new needs as they come up, and will determine how much of these new needs they can fund. Your caseworker will offer guidance and support to make sure that the needs of the child and the caregivers are met.

If the needs are too great, Children's Services can find a new home for your grandchild. If this occurs, you can usually continue to have contact with your grandchild. Children's Services examines each case to determine individual circumstances.

Kinship Care vs. Guardianship

One of the biggest differences between a Kinship Caregiver and a guardian is the ability to make decisions for the child.

Although Kinship Care allows children to live with their grandparents, the children remain wards of the province. In other words, the government continues to have custody of the child. This means that all decisions about the child are subject to approval by the government. For example, the grandparents cannot travel out-of-country without a letter of consent from the government.

Since it is not practical for the caseworker to make all decisions related to a child, Children's Services delegates some decision-making powers to the Kinship Caregiver. In a "Delegation of Powers and Duties to a Child Caregiver" document, the province lists all areas of care that you are allowed to make decisions about for the child. You will likely have authority over daily decisions such as enrolling the child in sports or other activities and taking the child to annual medical appointments.

Major decisions are not delegated to Kinship Caregivers.

The Kinship Caregiver must let the caseworker know of any significant or serious occurrence in the child's life, such as an injury requiring medical attention or difficulties at school. Final approval for these decisions rests with Children's Services. The Kinship Caregiver, caseworkers, the child's parents and other significant persons in the child's life are usually part of a planning process and can provide input on major decisions.

A **guardianship order** of a child is an order of the court made under section 23 of Alberta's *Family Law Act* in response to an application by a person requesting to become a child's guardian. Note that a guardianship order under the *Family Law Act* is different from a private guardianship order under Alberta's *Child, Youth and Family Enhancement Act*.

A **parenting order** is an order of the court made under section 32 of Alberta's *Family Law Act* in response to an application by one or more guardians of a child when the guardians of a child cannot agree with each other in exercising their powers, responsibilities and entitlements of guardianship. A parenting order may limit a guardian's powers, responsibilities and entitlements.

If the Kinship Caregiver does not follow the terms of the Delegation of Powers document, Children's Services will examine the situation. Efforts will be made by Children's Services to keep the child with the Kinship Caregiver where possible through problem solving and planning with the Kinship Caregiver. If the breaches are severe, the child may be taken away from the Kinship Caregiver, though this is only a last resort.

It is not the goal of Children's Services to have the child be a ward of the province long-term. Usually, the goal is to have the Kinship Caregiver become the **private guardian** of the child or to help Children's Services find a private guardian from the family network. Children's Services can support the Kinship Caregiver through the application process for private guardianship.

A second difference between Kinship Care and guardianship is the financial benefits available under each program.

GUARDIANSHIP

The **guardian** of a child is the adult who is legally responsible for taking care of the child. The guardians are usually the child's parents, unless the court orders otherwise. Many children have two guardians, and some have even more.

Sometimes parents run into difficulty in caring for their children alone, and another adult would like to become a guardian of the child – by either supporting or replacing the parent. A person who wants to become a guardian must apply to the court for a **guardianship order** under the *Family Law Act*.

The guardian of a child makes a permanent commitment to raise the child and agrees to assume all the responsibilities of a parent. A guardianship order also confirms the person's relationship to the child and gives them the rights of a parent.

Power, Responsibilities and Entitlements of a Guardian

A guardian of a child must always carry out the powers, responsibilities and entitlements of guardianship in the **best interests of the child**.

A guardian's powers, responsibilities and entitlements may also be limited by law or by a **parenting order**.

Unless otherwise limited, a guardian's **powers** include:

- making day-to-day decisions affecting the child;
- deciding where and with whom the child will live;
- making decisions about the child's education;
- making decisions about the child's cultural, language, religious and spiritual upbringing and heritage;
- consenting to medical, dental and other health-related treatment for the child.

A guardian is expected to include the child in making decisions, where it is appropriate to do so. For example, a guardian of a sixteen-year-old would include the child in many decisions whereas the guardian of a toddler would not.

Unless otherwise limited, a guardian's **responsibilities** include:

- nurturing the child's physical, psychological and emotional development;
- guiding the child towards independent adulthood;
- ensuring the child has the necessities of life, including medical care, food, clothing and shelter.

Unless otherwise limited, a guardian's **entitlements** include:

- to be informed of and consulted about and to make all significant decisions affecting the child; and
- to have enough contact with the child to carry out their powers and responsibilities.

Where a child has more than one guardian, then the guardians can each carry out the above powers, responsibilities and entitlements unless the court orders otherwise.

Each guardian must also share information and cooperate with the other guardians in exercising their powers, responsibilities and entitlements.

The *Family Law Act* allows guardians to enter into an agreement setting out how each guardian will exercise their powers, responsibilities and entitlements. These types of agreements can help the guardians to understand each of their roles and prevent disagreement. If the guardians cannot agree, then one or more of them can apply to the court for a parenting order.

Applying for a Guardianship Order

To apply for guardianship, you must be an adult (eighteen years of age or older) and:

1. you or the child must live in Alberta; and
2. you must have cared for the child for more than six months.

A judge may waive one or both of these residency requirements if it is in the best interests of the child to do so.

If a child is twelve years old or older, they must consent to the guardianship order (unless the court determines there are good reasons for not requiring the child's consent).

There are also two situations where a child can apply to court to have particular adults named as their legal guardians:

- where the child has no guardian at all; or
- none of the child's guardians wants or are able to exercise the powers, responsibilities and entitlements of guardianship.

The court does not grant a guardianship order automatically, even if the applicant meets the above criteria. The judge must consider other things, especially the best interests of the child. If it is not in the child's best interests to have the non-parent as a guardian, the judge will not grant the guardianship order.

The judge will also consider whether you are suitable to be a guardian and your ability and will to exercise the powers, responsibilities and entitlements of guardianship. Sometimes the court may ask for a report by a qualified person, such as a registered psychologist, that states it is in the best interests of the child for you to be their guardian.

to apply for a guardianship order, you will need to complete at least two forms and file them with the court:

- Claim – *Family Law Act* (FL-10); and
- Adult's Statement – Guardianship of Child (FL-34).

When you file the documents, the court will schedule a date for your matter to be heard. On that date, you will go to court and speak to the judge.

You may complete the application on your own or you may use a lawyer. Remember that the process can take a long time, be costly and complex, and can affect family dynamics. Mediators and lawyers are skilled in helping families with these extremely difficult issues.

A fight in court should be a last resort – it is far better to try to come to an agreement and then have this agreement become a consent order. If you are having difficulty reaching an agreement, consider taking advantage of mediators or lawyers.

If you and the child's guardians cannot agree (for example, when someone is opposing your application), you may need to go to court and ask a judge to make a court order awarding guardianship. There are several resources available if you need to go to court. See the Resources section at the end of this booklet for a list of different services available and contact information.

Forms are available on the Provincial Court Forms and Publications page of the Alberta Courts website

www.albertacourts.ca

For help locating these forms or information on the court process generally, you may contact **Resolution and Court Administration Services (RCAS)**

1.855.738.4747

<https://www.alberta.ca/rcas.aspx>

Support for Guardians

Unlike with the Kinship Care program, there is no set program for financial aid to guardians. However, once a person is a guardian, they may qualify for government child benefits, including:

- Alberta Child Health Benefit: This is a premium-free health benefit plan that provides basic dental, vision, emergency ambulance services, essential diabetic supplies, and prescription drug coverage for children living in families with low incomes
<http://bit.ly/2MAd4O4>
- other governmental child benefits
<http://bit.ly/2HZiSfJ>

A grandparent who is a guardian does not have a legal duty to financially support the child. The court can make an order that the parents of the child have to pay child support to the guardian.

If being a guardian becomes overwhelming, you are responsible for seeking help and support as required, such as babysitters or psychological counselling. There are no specific resources available for guardians. You may wish to contact the various Alberta and Canada-wide grandparent support groups listed in the Resources section of this booklet for more information or support. If you cannot handle being the guardian, you may consider applying to the court to terminate your guardianship.

Glossary

best interests of the child

The court has the power to decide what is in the child's best interests. It does this by considering:

- the history of care for the child;
- the child's cultural, language, religious and spiritual upbringing and heritage;
- the child's views and preferences, where appropriate;
- the benefit to the child in developing a relationship with the applicant;
- the nature and strength of existing relationships;
- any history of family violence; and
- any civil or criminal proceedings that may be relevant to the child's safety or well-being.

child

A person who is under the age of 18 years.

consent order

An order of the court that is decided upon by consent between the parties and then submitted to a judge for review and signature (as opposed to the parties presenting different sides to the judge and the judge making the final decisions).

contact

The right of a person who is not a guardian to spend time with a child. Contact may exist in the form of visits, oral or written communication, or any other form of communication.

contact order

An order of the court made under section 35 of Alberta's *Family Law Act* in response to an application by a person requesting contact with a child. A contact order permits contact between the child and persons other than the guardian, such as grandparents or other people who are important to the child.

court

The Court of Queen's Bench of Alberta or the Provincial Court of Alberta, depending on the situation.

enforcement order

An order of the court made under section 40 of Alberta's *Family Law Act* in response to an application by a person who has a right of contact with a child but has been denied time within 12 months of the application being made.

grandparent

The parent of a child's parent.

guardian

Of a **child**, the person who has legal responsibility to care for and financially support the child, and the authority to make all of the decisions with respect to that child. Unless a court orders otherwise, the child's parents are their guardians.

guardianship order

Of a **child**, an order of the court made under section 23 of Alberta's *Family Law Act* in response to an application by a person requesting to become a child's guardian. Note that a guardianship order under the *Family Law Act* is different from a private guardianship order under Alberta's *Child, Youth and Family Enhancement Act*.

intact family

A nuclear family in which the parents have not separated or divorced and neither parent has died.

parenting order

An order of the court made under section 32 of Alberta's *Family Law Act* in response to an application by one or more guardians of a child when the guardians of a child cannot agree with each other in exercising their powers, responsibilities and entitlements of guardianship. A parenting order may limit a guardian's powers, responsibilities and entitlements.

private guardian

A person who applies to the court and is awarded a private guardianship order for a child who is in the custody of Children's Services or is the subject of a temporary guardianship order or a permanent guardianship agreement or order.

private guardianship order

An order of the court made under section 56 of Alberta's *Child, Youth and Family Enhancement Act* in response to an application by a person requesting to become a child's private guardian. This type of order is made where children have been in the care of the Government of Alberta's Children's Services. Note that a private guardianship order under the *Child, Youth and Family Enhancement Act* is different from a guardianship order under Alberta's *Family Law Act*.

Resources

Legislation

Alberta Queen's Printer

For free electronic and print copies of Acts or Regulations.

www.qp.alberta.ca

Government & Court Resources

Government of Alberta - Children's Services

Phone: 310.000

<http://bit.ly/2K28bv3>

Apply for Child Guardianship:

<http://bit.ly/2KkYaJA>

Become a Kinship Caregiver:

<http://bit.ly/2Muzoss>

Support for Foster and Kinship Caregivers:

<http://bit.ly/2KC80X7>

Kinship Care Handbook:

<http://bit.ly/2WiWaDe>

Alberta Courts

www.albertacourts.ca

Family resources - Provincial Court of Alberta:

<http://bit.ly/2wFrUIA>

Family resources – Alberta Court of Queen's Bench:

<http://bit.ly/2IJk4D8>

Family Court Assistance

Edmonton Family Court Counsellors:
780.427.8343

Calgary Family Court Counsellors:
403.297.6981

<http://bit.ly/2K4ZmAS>

Resolution and Court Administration Services (RCAS)

Resolution and court support services across Alberta.

Contact Centre: 1.855.738.4747

<https://www.alberta.ca/rcas.aspx>

Legal Services

Law Society of Alberta Lawyer Referral Service

Provides names of three lawyers. Each lawyer to provide half-hour consultation free of charge.

Toll-free: 1.800.661.1095

<http://bit.ly/2K2fYcs>

Legal Aid Alberta

Toll-free: 1.866.845.3425

www.legalaid.ab.ca

Edmonton Community Legal Clinic (ECLC)

Legal clinic in Edmonton. Call for hours and eligibility.

Phone: 780.702.1725

www.eclc.ca

Student Legal Services

Legal clinic in Edmonton. Call for hours and eligibility.

Phone: 780.492.2226

<https://www.slsedmonton.com/>

Calgary Legal Guidance (CLG)

Legal clinic in Calgary. Call for hours and eligibility.

Phone: 403.234.9266

<http://clg.ab.ca>

Community Legal Clinic – Central Alberta

Legal clinics in Central Alberta. Call for hours and eligibility.

Central Alberta: 403.314.9129

Fort McMurray: 587.674.2282

Lloydminster: 587.789.0727

Medicine Hat: 403.712.1021

www.communitylegalclinic.net

Grande Prairie Legal Guidance

Legal clinic in Grande Prairie. Call for hours and eligibility.

Phone: 780.882.0036

www.gplg.ca

Lethbridge Legal Guidance

Legal clinic in Lethbridge. Call for hours and eligibility.

Phone: 403.380.6338

www.lethbridgelegalguidance.ca/

Dial-A-Law

Pre-recorded legal information available 24 hours a day, 7 days a week.

Toll-free: 1.800.332.1091

clg.ab.ca/programs-services/dial-a-law/

Family Mediation

Government of Alberta mediation service for low income Albertans. Offices in Edmonton and Calgary.

Calgary: 403.297.6981

Edmonton: 780.427.8329

Elsewhere in Alberta: 403.355.2414

www.alberta.ca/family-mediation.aspx

Alberta Family Mediation Society

Roster of family mediators.

Toll-free: 1.877.233.0143

<https://afms.ca/>

Resources for Grandparents

Older Adult Knowledge Network

Legal information on Canadian law for older adults.

www.oaknet.ca

Seniors Association of Greater Edmonton (SAGE)

Phone: 780.423.5510

www.MySage.ca

Kerby Centre (Calgary)

Phone: 403.265.0661

<https://www.kerbycentre.com/>

Golden Circle Senior Resource Centre (Calgary)

Phone: 403.343.6074

www.goldencircle.ca

Notes

Grandparents and Grandchildren in Alberta

This booklet is one of many publications produced by the Centre for Public Legal Education Alberta. All publications can be viewed and downloaded for free by visiting www.cplea.ca/publications or **you may order pre-printed publications to be sent to you by visiting www.cplea.ca/store**

Other publications related to this topic that may interest you include:

- Making a Will
- Making a Personal Directive
- Making an Enduring Power of Attorney
- Being a Personal Representative
- Being an Attorney Under an Enduring Power of Attorney
- Being an Agent
- General Powers of Attorney
- *Adult Guardianship and Trusteeship Act*

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You should **NOT** rely on this booklet for legal advice.
It provides general information on **Alberta law only**. 2019