



Parental Authority

**RIGHTS AND DUTIES OF PARENTS
TOWARD CHILDREN**



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INFORMATION EMPOWERS

Setting the Scene

Parental authority refers to the rights and duties of parents toward their children.

But what are these rights and duties? What happens if parents separate? Can parents ever lose parental authority?

This article answers these questions.

This pamphlet is up to date to March 5, 2015.

It has general information only. If you need legal advice on a specific situation, consult a lawyer.



Also at educaloi.qc.ca:

- Losing Parental Authority
- Legal Responsibilities of Educators, Caregivers and Monitors
- Rights of the Parent Without Custody
- Preventing or Limiting Contact Between a Parent and a Child
- and much more...

What is parental authority?

Parental authority refers to the rights and duties of parents toward their children from the minute they are born until they turn 18. Under their parental authority, parents make decisions that influence their children's well-being.

Rights and Duties of Parents

Under parental authority, parents have these rights and duties toward their children:

- custody
- supervision
- ensuring their physical and emotional health and safety
- educating them
- feeding them
- generally caring for them

Parental authority gives parents the right to make all decisions necessary for the well-being of their children. For example, parents can make these decisions:

- where the children will live
- health care decisions
- passing on religious beliefs

Take note!

Parents can temporarily give someone else certain parts of their parental authority, such as custody, supervision or education. For example, this happens when they leave their children with a teacher, babysitter or sports coach.

When parents break up, who makes decisions about children?

While parents are living together, they use their parental authority together. It does not matter whether the parents are married or unmarried (living common-law).

What happens if the parents split up? If only one parent has custody of the children, the other parent still keeps all the rights and duties of parental authority aside from custody (education, providing food, decisions about health care, etc.).

Being with the children means the parent with custody has parental authority every day, while the other parent has it from a distance. But the parent without custody must be consulted on all major decisions affecting the children.

What is a major decision? Here are a few examples:

- choice of school
- health care necessary for a child's health
- some medical treatments, such as braces
- long-term activities and hobbies

When Parents Don't Agree on Major Decisions

When parents can't agree on a major decision involving the children, one parent can go to court to have a judge decide, no matter who has custody.

For example, a parent can ask for a judge's decision if one parent refuses to give the other parent important information about the children.

The judge will make a decision based on the children's best interests.

New Partners of Parents

New partners of a parent, such as boyfriends or girlfriends, do not have parental authority, even if they are acting like a parent.

Losing Parental Authority

In rare cases, a parent can lose all or part of parental authority and the right to make decisions regarding children.

Only a judge can take away parental authority. It is a very serious step and something that judges must consider carefully. In legal terms, it's called "depriving" a parent of parental authority.

Judges have removed parental authority in cases of cruelty, violence and sexual abuse or when parents have abandoned their children.

Parents who lose parental authority lose rights toward their children, but still have certain duties toward them. For example, they still have a duty to provide for their children by paying support payments.

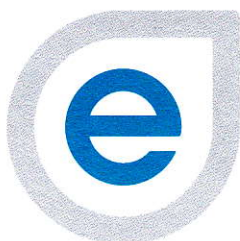
Parents who have lost all or part of their parental authority can ask a judge to get it back. But there is an exception: if someone else has adopted the children, a parent who has lost parental authority will never get it back. Adoption puts a final end to the parent-child relationship between the parent who lost parental authority and the children.

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OF PARENTS,
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