

GOT LEGAL PROBLEMS?

Native Counselling Services of Alberta
has courtworkers to help you out!

GIVE US A CALL!



Parenting

Legal Rights & Responsibilities

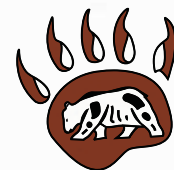





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So you are about to give birth
to your first child.

What's next?

Understanding the legal requirements of being a parent can be difficult. The purpose of this guide is to help new parents understand their rights and responsibilities when facing pregnancy and parenthood. The **BearPaw Legal Education and Resource Centre**, a program of **Native Counselling Services of Alberta (NCSA)**, is mandated to provide legal information and education for Aboriginal people residing in the province. However, it is anticipated that this guide will be of assistance to all new parents in Alberta. It is our hope that providing this vital information and education on parenting will promote healthier families.

This booklet should be used as a guide. The law is always changing. Parts of this book may need updating. We strongly encourage you to seek help and support from the appropriate service provider in order for you to make the best decision for you and your family.





Pregnancy

If you need emergency help with food, medical services or anything else, you can phone the **Alberta Works Contact Centre: 1-866-644-5135.**

Are my conversations with a doctor confidential?

According to the **Code of Ethics of the College of Physicians and Surgeons of Alberta:**

- If you are able to make informed decisions (usually around the age of 14), conversations between you and your doctor are confidential unless the doctor is required by law to report information to the authorities (for example, the Child, Youth and Family Enhancement Act requires a report of child abuse).
- If you are a minor (under 18) and can make informed decisions, the doctor needs to ask what he/she can tell your parents. If you do not want to share any information with your parents, you and your doctor do not have to.

Should I be on a special diet while I'm pregnant?

According to **Canada's Food Guide:**

- Women that are pregnant or breast feeding need to take a multivitamin with folic acid every day. If you are pregnant, your multivitamin needs to have iron in it, too.
- When you are pregnant and breast feeding, you need to eat more than usual. You should eat 2–3 more servings per day. Access the Canadian Food Guide at: www.hc-sc.gc.ca



What happens if someone denies me housing, services, a job or treats me unfairly because I'm pregnant?

According to the **Alberta Human Rights, Citizenship and Multiculturalism Act:**

- You do not have to tell a possible employer that you are pregnant or planning to become pregnant. Employers cannot ask you if you have a baby at home or about your daycare arrangements.
- In Alberta, your landlord cannot refuse to rent to you because of your race, family status or marital status, but could refuse to rent to you if you are under 18. If you are refused a service or a job on the basis of your pregnancy or child in your care, you should contact the Alberta Human Rights and Citizenship Commission immediately. They will let you know if your human rights were violated, and will tell you if you have a valid complaint. You can call the confidential inquiry line for free by dialling the RITE line followed by the appropriate number for your location.

To contact the Alberta Human Rights and Citizenship Commission Dial 310-0000 (for a free call to an Alberta government office)
Northern Alberta: (780) 427-7661
Southern Alberta: (403) 297-6571



The **Alberta Employment Standards Code** says:

- A birth mother must take at least six weeks of health-related leave after the birth of her child. The only way that a birth mother does not have to take the full six-week leave is if her employer agrees that she can return to work early and she provides a medical certificate indicating that she will not endanger her health by returning to work.
- If both parents are working, the parental leave may be taken by one parent only or it may be shared between them.
- You cannot be discriminated against because you are pregnant.

Leaves and Benefits

Maternity and parental leave is the time off you receive before and/or after your child is born. Maternity and parental benefits are the money you may be eligible to receive while on maternity or parental leave.

Maternity and Parental Leave

Maternity Leave

Who qualifies?

Birth mothers.
You must have 52 consecutive weeks of employment. This applies to both part-time and full-time workers. This does not mean you can get fired when you have less than 52 consecutive weeks of employment and become pregnant. Through Human Rights law, you are still eligible to take sick leave when pregnant.

How long do I need to work to be eligible?

How much notice do I need to give?

A birth mother must give her employer at least six weeks written notice before she begins her leave, if possible. In certain situations, an employer may request that maternity leave is started at an earlier date than planned.

How much time off do I get?

A birth mother has 52 consecutive weeks of unpaid job-protected leave (15 weeks maternity leave and 37 weeks parental leave).

When can I start my leave?

A birth mother can start her maternity leave within 12 weeks of her due date.

Do I get my job back?

After maternity leave is complete, an employer must allow the birth mother to return to her job or a similar job with no decrease in pay or benefits.

Parental Leave

Working fathers and mothers; adoptive parents.

You must have 52 consecutive weeks of employment. This applies to both part-time and full-time workers.

You must give six weeks written notice to your employer of the date the leave will begin and the length of the leave. You must give your employer at least 4 weeks of written notice before the date you intend to return to work or if you decide to change your date of return.

Working parents, including adoptive parents, have the right to take up to 37 weeks of unpaid parental leave.

The parental leave for birth mothers must begin immediately after the maternity leave unless the employer agrees otherwise or the child is hospitalized at the end of the maternity leave. Parental leave for working parents (adoptive or biological) may begin once the child is born, or from the time the child is placed with you. Parental leave cannot extend beyond 52 weeks after that date.

If you fail to give notice, or fail to report to work the day after your leave ends, your employer is under no obligation to put you back in your job.

Maternity and Parental Benefits

- You may be eligible for Employment Insurance (EI) during your maternity leave if you have a total of 600 insured hours in the last 52 weeks or since the start of your last claim. These are called maternity benefits.
- If you qualify, you will get up to 55% of your wages. Maternity benefits are paid for a maximum of 15 weeks. You may start collecting maternity benefits either up to 8 weeks before the expected birth date or the week of the actual birth.
- If your pregnancy ends in miscarriage or stillbirth within the first 19 weeks, you may qualify for sickness benefits. To qualify, you must have worked 600 hours in the last 52 weeks or since your last claim. You can receive up to 15 weeks of sickness benefits.
- Biological mothers, fathers and adoptive parents may apply for parental benefits up to 35 weeks through Employment Insurance. Biological mothers can apply at the same time as applying for maternity benefits.
- To qualify, you must have worked 600 hours in the last 52 weeks or since your last claim.
- Parental benefits can be claimed by one parent only or shared between parents. However, to share the benefits, both parents must qualify.
- If your baby needs to stay in the hospital after birth, you can delay receiving benefits. For each week your baby is in the hospital, you can extend the period of your claim by one week for up to 104 weeks. You will still only be eligible to receive the benefits for 35 weeks.
- If your pregnancy ends by miscarriage or stillbirth in the 20th week or later, you are eligible to receive maternity benefits.

Guardianship

Am I a guardian?

According to the Alberta **Family Law Act**:

- All individuals who sign the Registration of Birth (usually parents) are guardians of the child unless otherwise specified in a legal document.

Why is guardianship important?

- All guardians are obligated to financially support their children and are responsible for the development and well-being of their children.



Naming And Registering

How do I choose a last name for my baby?

In Alberta, the **Vital Statistics Act** sets out the rules for naming and registering your baby.

- When your baby is born, you must give him or her a name to register the birth. The name must consist of a last name and a given (first) name.

What if my husband is not the father of my child?

- When a woman's husband is not the father of the child, she may be able to leave her husband's name off of the Registration of Birth. She will need to complete a Statutory Declaration Re: Registration of Birth.
- The Statutory Declaration Re: Registration of Birth will be completed at the hospital along with the Registration of Birth. These two documents need to be sent in to the Vital Statistics Office together.

How do I register my baby?

- You must register the birth of your baby within 10 days of the birth. This is done by filling out a **Registration of Birth** form. The mother fills out the form unless the parents are married in which case either parent can complete the form. It is important to fill out this form correctly because it creates the legal identity of your child.
- A person who signs his or her name on the Registration of Birth is a legal guardian of the child.
- The Registration of Birth form should be left with the hospital of birth. The hospital will forward the form to the Vital Statistics Office.

- If you have more than one baby, you must fill out a registration form for each child.
- You must apply and pay a fee to get a copy of your baby's birth certificate. Simply go to any Alberta registry, show your ID, and provide your child's information—then a birth certificate can be sent to you.
- When you register your baby's birth, you may also apply for your baby's Social Insurance Number (SIN) at the same time. SIN is needed to gain access to certain Canadian government programs and benefits (for example, Registered Education Savings Plan). You simply add your signature in the **request for a SIN for my child** section at the bottom of the Registration of Birth form. This is your child's SIN application. There is no fee to apply. This service is only for parents registering a child's birth under the age of one.

How do I make changes to the birth registration?

- If one guardian did not sign the Registration of Birth form at birth and wants to do so later, the guardian can ask that his or her information be registered. Both guardians will have to complete a Statutory Declaration form together at the Vital Statistics office. The surname of the child may also be changed at this time. If guardians cannot agree to change the birth registration, the guardian who is not on the birth registration can go to the courts and ask to register his/her name. The guardian will have to prove his or her guardianship.

How do I change my child's name at a later date?

- A guardian may want to change his/her decision about a child's name (first or last) that was registered at the time of birth. If a guardian wishes to change the name of child under 18 years of age, he or she must get the consent of the other guardian. If the child is 12 or older, he or she must also consent to the change. To make this change, contact:

Vital Statistics
Box 2023
Edmonton, AB
T5J 4W7

How do I make corrections to my baby's registration?

- If you request a correction within 90 days of your child's birth, there is no fee. Otherwise, there is a \$20 fee.
- If you need to make a correction to your baby's registration, you need to write to Vital Statistics. You will need to provide: your full name, the type of correction needed, and all the important details relating to your child's registration (place of birth, full name, etc.). You will need to explain that you are a parent of the child and include your full return address and a phone number. You need to date and sign the letter and send to:

Alberta Registries,
Vital Statistics
Box 2023
Edmonton, AB
T5J 4W7

Vital Statistics will review your letter and will decide which supporting documents are required. The following are basic documents that may be needed:

- Proof to support the correction—School or health records, immigration papers, etc.
- Completion of a statutory declaration—You need to look this over, make sure everything is correct, and then sign it in front of a Notary Public or Commissioner for Oaths.



The Indian Act and First Nation or Métis Nation Membership

Is my child eligible to be registered under the Indian Act (also known as registered status)?

According to the **Indian Act**:

- A child may be eligible to be registered under the Indian Act if at least one parent is eligible to be registered under the Indian Act.

If you have specific questions about the eligibility of your child, contact Indian and Northern Affairs Canada (INAC) at 1-800-567-9604.

How do I register my child under the Indian Act?

- To register your child under the Indian Act, you need a copy of your child's birth certificate. Then, write a letter saying you want to register your child as an Indian and with which parent the child should be registered (children under 1 year are registered under a parent's treaty number; if both parents are treaty, the child will only be registered with one parent); both parents need to sign this letter.
- The birth certificate copy and letter need to be sent to your band office or the Alberta INAC office at the following address:

630 Canada Place
9700 Jasper Avenue
Edmonton, AB
T5J 4G2

What does it mean to be registered under the Indian Act?

- To be registered under the Indian Act is also known as having status.
- All persons registered under the **Indian Act**:
 - a. Are provided with health services including medical, dental and vision needs.

Contact Health Canada for more information regarding health services: 1-866-225-0709.
 - b. Are eligible for specific federal and/or provincial programs, like federal social assistance.
 - c. Are guaranteed Aboriginal rights as an Aboriginal person under section 35 of the Canadian Constitution.

What are Aboriginal rights?

- Aboriginal rights flow by virtue of the fact that Aboriginal People were here before the coming of the non-Aboriginal People. The Canadian Constitution defines an Aboriginal person as Indian, Métis or Inuit.
- Aboriginal rights are customs, practices, and traditions that are unique to each Aboriginal group. The Canadian Constitution recognizes and protects Aboriginal rights.

Can my child live on reserve?

According to the **Indian Act**:

- Any member of a band can reside on reserve with his/her dependent children.
- Band councils can create residency bylaws that regulate living on reserve but cannot deny individual rights to live on reserve through the Indian Act.

How do I register my child with his/her band?

The **Indian Act** sets out the rules for First Nation membership.

- To be registered with a band is to have First Nation membership. Bands can either decide their own membership rules, or Indian and Northern Affairs Canada (INAC) may decide membership rules.
- If a band determines its membership rules, the band will have specific rules a child must meet in order to be eligible for membership.
- If INAC determines membership rules, your child will automatically be recorded as a First Nation member of the specific band when the child is registered for status.
- Because some bands determine their own membership guidelines, your child may not automatically be eligible for First Nation membership if he or she holds a status card.

What does it mean to have First Nation membership?

- When your child has First Nation membership, the child is entitled to any treaty rights associated with that specific band.

What are treaty rights?

- Treaty rights are determined by the specific terms in a band's treaty. Treaty rights usually involve certain rights and payments.
- In Alberta, bands have signed either Treaty 6, 7, or 8.
- Contact your band council or INAC (1-800-567-9604) for specific information regarding your child's treaty rights.

How do I register my child with the Métis Nation of Alberta?

- To register your child with the Métis Nation of Alberta, you need a copy of your child's birth certificate, proof that your child has been a resident of Alberta for 90 consecutive days, picture ID of your child, and a completed genealogy tree dating to the 1880s.
- Send the required information to the Métis Nation office in your region. Contact the Métis Nation of Alberta head office at 1-800-252-7553 to locate your regional office.

What does it mean to be registered with the Métis Nation of Alberta?

- When a child is registered with the Métis Nation of Alberta, he/she is recognized as a Métis person by the Métis Nation of Alberta.

What are Métis rights?

- Aboriginal rights flow by virtue of the fact that Aboriginal People were here before the coming of the non-Aboriginal People. The Canadian Constitution defines an Aboriginal person as Indian, Métis or Inuit. Contact the Métis Nation of Alberta head office at 1-800-252-7553 for more information on Métis rights.

Can my child live on a Métis settlement?

The Alberta **Métis Settlements Act** determines the rules for living on Métis settlements.

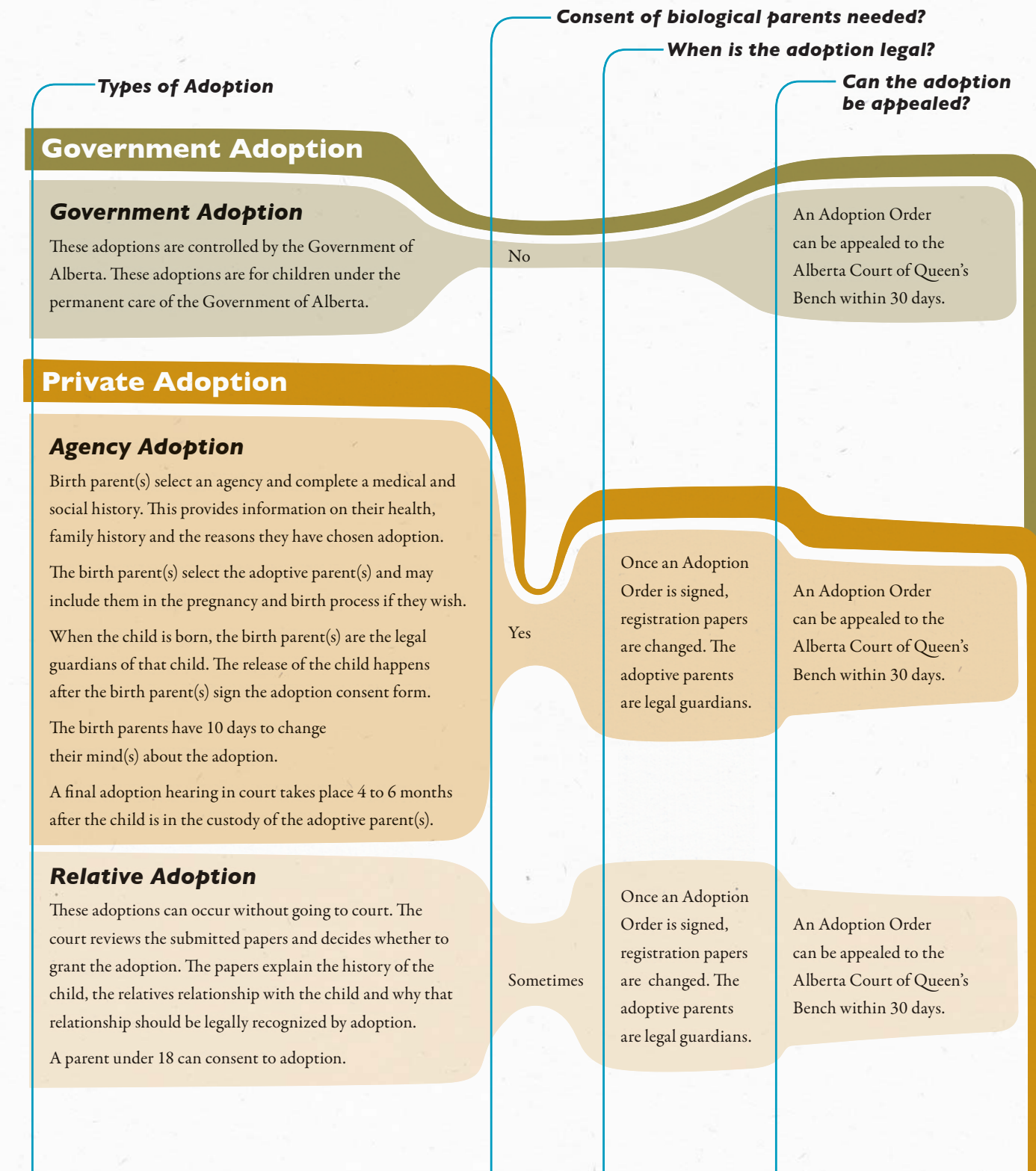
- Each Alberta Métis settlement has its own rules for living on or returning to a Métis settlement.
- Contact your Métis settlement for further information.

For more information regarding non-status individuals, contact the **Congress of Aboriginal Peoples** at (613) 747-6022.

For Inuit individuals contact the **Inuit Tapirisat of Canada** at (613) 238-8181.

Adoption

In Alberta, adoption law is found in the **Child, Youth and Family Enhancement Act**. Adoption is a legal process that creates new parent-child relationships. The adopted child becomes the legal child of the adoptive parent(s) and is no longer the legal child of his or her birth parents.



Blood and DNA Testing

The Alberta **Family Law Act** says:

- Sometimes the identity of a child's biological father (paternity) can be disputed. It is important to correctly determine paternity in order to establish who is a guardian.
- If the court asks for blood or DNA tests to prove paternity, the person or persons being tested will have to consent to the tests. If the court decides a man is the father of a child, then he would have the legal rights and responsibilities of any parent.
- If the person who is ordered to have tests is unable to consent—for example, because he is too young—the parent(s) or guardian may give consent.
- DNA testing, which may be used in court to prove paternity, can be expensive. If the court asks for the tests, it will also decide who will pay for them.
- If someone is named as the father of a child in any court application, the responsibility lies with the person to prove that he is not the father, whether or not his name is on the birth registration.



Who will take care of my child if something happens to me?

According to the Alberta **Wills Act and Family Law Act**:

- A will outlines your wishes in the unfortunate event of your death.
- In your will, you can name a guardian for your child. You are saying that, if something happens to you, you would like that particular person to look after your child. The court will make the final decision, but would definitely take your wishes into account. Be sure to ask the person you would like to have as your guardian if he or she will do this. A lawyer can give you advice about this.

Parental Responsibilities

What am I required, by law, to do for my child?

According to the **Canadian Criminal Code**:

- You must provide your child with the necessities of life. These include those things necessary to preserve the life and the health of your child. This means food, clothing, shelter, and medical care.

According to the Alberta **Child, Youth and Family Enhancement Act**:

- Parents must make sure their children are not abused or neglected. Child abuse happens when parents or others physically, emotionally, or sexually mistreat a child. Child neglect happens when parents do not meet the basic needs of their children for housing, clothing, health care, affection, education, and discipline.

As a parent, you are required to

- provide reasonable care or supervision for your child;
- provide a safe, healthy home for your child;
- feed your child adequately;
- provide medical attention your child needs;
- ensure your child attends school;
- provide affection and attention to your child;
- provide appropriate supervision and discipline.

What if my child is sick?

- If you do not know when to take your child to a doctor or if you have questions regarding which medications are appropriate for your child, phone Health Link Alberta.

Health Link Alberta is a 24 hr/7 day a week telephone health advice service: 1-866-408-5465.



Effects of parents' relationship on a child

- As a parent, you may be married or living with your child's other parent. You may have no relationship at all with him or her. Whatever your situation, the state of your relationship will influence your child's emotional well-being.
- You are both responsible for that child until he or she reaches the age of 18.
- No matter what your relationship is like with the other parent, your child will likely develop strong relationships with both parents. Children should be encouraged to develop many support systems within their family and community.

Splitting Up Or Living Separately

Ending a marriage

According to the Canadian **Divorce Act**:

- If you are married and want to divorce, you must prove a breakdown of marriage.
- To prove a breakdown of marriage, the couple can live separate and apart for one year. Alternatively, the spouse who wants a divorce can prove the other spouse committed adultery or treated the other with physical or mental cruelty. For more information about divorce, you should consult with a legal professional. Options are available through Legal Aid, duty counsel, or a lawyer.
- If you have a child together, you are both responsible for supporting the child. Make a parenting plan together.

What if we were living together, but never legally married?

In Alberta, the **Adult Interdependent Relationships Act** says:

- If you are living together but are not married, then you are in an adult interdependent relationship (formerly known as a common-law relationship).
- Federal laws, employers, insurance plans, and pension plans may have different rules for recognizing adult interdependent relationships.
- If you have a child together, you are both responsible for supporting the child. Make a parenting plan together.

Parenting courses

If you would like any help or advice on parenting during separation, there are workshops available:

- Parenting After Separation—Family Justice Services
- Focus on Communication in Separation—Family Justice Services

For more information, or to register, phone Family Justice Services at 310-0000, (403) 340-7187.

What does “best interests of the child” mean?

According to the Alberta **Family Law Act**:

- When a court is making a decision involving a child, the “best interests of a child” is the most important factor.
- When a court is making a decision, the following are taken into consideration:
 - a. The child's physical, emotional, and psychological well-being
 - b. The history of care of the child
 - c. The benefit for the child of developing relationships with both guardians
 - d. The nature and strength of existing relationships involving the child
 - e. The child's views and preferences
 - f. Any history of family violence involving the child
 - g. Any civil or criminal proceedings that may be relevant to the child's safety or well being.



Parenting and Contact Agreements and Orders

In Alberta, the **Family Law Act** sets out the rules for parenting and contact orders. Parenting and contact agreements and orders are used to decide a child's time spent between parents after parents no longer live together.

What Is Parenting Time?

A guardian's time with a child is called **parenting time**. (This replaces the old terms of custody and access).

Mediation services can be used to create an agreement between guardians. Mediation services are provided by Family Justice Services for families with a child under 18 and one guardian with an annual income less than \$40,000.

To find a family mediator call 1-800-661-1095.

Making Parenting Agreements

If parents can agree on how to share the responsibilities of guardianship after separation, they can do so without the help of the court. This will be called a parenting agreement.

Making Parenting Orders

If parents cannot agree, either parent can apply for a parenting order (this replaces custody and access orders). The parenting order will include parenting time and parenting responsibilities. A parenting order will be made in the best interests of the child.

If a guardian does not have a lawyer, his/her case is automatically referred to the Caseflow Conference Program, a program in the Provincial Court of Alberta.

- You will be provided with a family courtworker and will attend a caseflow conference.
- If you need an Aboriginal family courtworker, contact Native Counselling Services of Alberta (NCSA). Visit www.ncsa.ca to find your local NCSA office.

- A caseflow conference is a less formal setting than a courtroom and a chance to discuss issues. You will be provided with resources or options for your area and situation.
- A caseflow coordinator cannot impose court orders.
- If both guardians agree to a claim, the coordinator can organize consent documents and arrange for a consent desk order so that neither guardian will have to appear in court.

Do grandparents, aunts or uncles have any rights concerning a child?

According to the Alberta **Family Law Act**:

What Is Contact?

A non-guardian's time (like a grandparent or uncle) with a child is called contact.

Making Contact Agreements

Relatives can be an important support system for your child. If there is disagreement regarding contact between a child and a non-guardian, try using methods like mediation to come to an agreement. This will be called a contact agreement.

Making Contact Orders

If contact has been denied and a non-guardian (like a grandparent, aunt, uncle, etc.) can prove they had a prior significant relationship with the child, he/she might be granted contact with the child. This will be called a contact order.

The order is given based on the best interests of the child.

Can a parenting or contact agreement or order be changed?

Parenting agreements and orders can be changed. For example, if a guardian is moving and more parenting time is needed for travel, changes may be considered. Or if a guardian had little involvement before and wants increased parenting time, a change may be considered.

If parenting or contact agreements have been made without the help of the courts, changes can be agreed upon without the help of the courts.

Guardians and non-guardians may change a parenting or contact order by using mediation services through Family Justice Services.

Guardians and non-guardians can also apply to the court to change a parenting or contact order.

Mediation services or the court must be convinced the change will be in the best interests of the child.

What if a parenting or contact agreement or order is broken?

Sometimes a parent or non-guardian breaks the terms of a parenting or contact agreement or order. For example, one parent may not return the child when expected.

When a parenting or contact agreement or order exists and an individual is breaking the terms of that agreement or order, the other parent or non-guardian may use the family law system to deal with the violations.

- Mediation can be used to negotiate a new agreement.
- The police can become involved to enforce an order, if they find it necessary.
- The individual that is preventing parenting time or contact may be forced to pay money to the other parent or non-guardian or provide make-up visits.

Parental Abduction

If a parent removes and hides a child under the age of 14 from the other parent, without that parent's consent, it is a criminal offence. This is called parental abduction (sometimes called kidnapping). This applies to either guardian.

If you think your child has been abducted, you should contact the police immediately.

Financial Obligations

What is child support?

Both parents must contribute to the cost of raising their child, if they are able to do so, until the child turns 18 years old. This is true whether you are married, lived in an adult interdependent relationship or never lived together.

You may have to support a child over 18 if, for example, the child is disabled, ill, or going to university.

When parents live apart, they must make arrangements to financially support their child (called child support). Child support is usually paid by the parent who does not live with the child.

If you are the parent whom the child lives with most of the time, you can apply for child support whenever you and the other parent do not live together.

If the parent who should pay support is not working or is still in school, the other parent can wait until he or she does have an income and then apply for child support.

How much is child support?

The amount of child support is set out in the Child Support Guidelines.

Child Support Guidelines can be found at www.canada.justice.gc.ca

The Guidelines apply to divorced, separated and unmarried parents.

Additional money may be required for special expenses, like braces or day care.

How do I receive child support?

The following are ways that you can get child support:

Agreements

You and the other parent can agree on the amount of child support and how often it is to be paid. The Child Support Guidelines will help you decide a reasonable amount. The agreement needs to be signed by both parents and witnessed. Each parent should have a separate lawyer review the agreement before he or she signs to make sure it is correct and complete. Either parent can then file the agreement with the court.

Mediation

If you need help reaching an agreement, consider using mediation services through Family Justice Services.

Going to Court

If you cannot reach an agreement, and mediation is unsuccessful, you must apply to the court to decide. A family law lawyer can make the application to the court for you. The Child Support Guidelines will be used.

How do I change a child support order?

When there are significant changes in circumstances that will affect the amount of support needed or provided, a change is needed. This is called variation.

If you are paying support and lose your job or have a large decrease in your income for other reasons, it is important that you apply to the court as soon as possible for variation of support. The unpaid support continues to add up until you get the order varied.

You can use mediation services to negotiate changes. If you both agree, the mediator will prepare a consent order for the court.

If mediation is unsuccessful, you can apply to the court to change the support order.

Enforcing a child support agreement or order

According to the Alberta **Maintenance Enforcement Act:** Maintenance Enforcement Program (MEP) makes sure child support agreements and orders are kept.

An agreement or order is registered with MEP. It is the responsibility of the receiving parent to register. Both guardians need to fill out and sign a Maintenance Enforcement Support Agreement.

The agreement or order is only enforced when registration is complete with MEP. You can get a registration package at any courthouse or online at www.justice.gov.ab.ca/mep

The parent who pays child support now sends payments to MEP and MEP forwards the money to the receiving guardian.

If payments stop, MEP has the authority to enforce funds owed. For example, MEP can garnish wages or revoke a driver's or hunting license. It is the receiving guardian's responsibility to notify MEP if any banking information has changed.

Never send or receive payments directly. Failure to report direct payment will result in a \$50 penalty.

Contact MEP at 310-0000, (780) 422-5555.



Financial Assistance

Alberta Adult Health Benefit (AAHB)

The AAHB provides health benefits to pregnant women with limited incomes or to households with high ongoing prescription drug costs in relation to their income. To qualify you must be pregnant or live with a child up to age 18 or up to age 20 and attending Gr. 12. Your income must be less than a given amount depending on your situation.

The following criteria apply:

- Single with 1 child.....\$24,397
- Couple with 1 child\$29,285

Alberta Child Health Benefit (ACHB)

ACHB provides health benefits for children of families with limited incomes. To qualify you must live with a child under 18 years of age. Or you must live with a child attending Gr. 12 who is under 20 years of age.

Your income must be below the following specified amount, depending on your situation:

- Single with 1 child.....\$24,397
- Couple with 1 child\$29,285

Other income amounts for AAHB and ACHB are available at www.employment.alberta.ca

Print out forms at www.employment.alberta.ca

Fill out the forms and send to:
Alberta Employment & Immigration Health Benefits Contact Centre
 Box 2222, Station Main
 Edmonton, AB
 T5J 5H3

Status and Inuit individuals do not qualify for AAHB or ACHB

because they already receive medical benefits through other sources. **For more info call 1-866-644-5135.**

Canada Child Tax Benefit (CCTB)

The Canada Child Tax Benefit (CCTB) is a non-taxable benefit intended to help families with the cost of raising children under the age of 18.

- If you qualify, the hospital will provide you with an application when your child is born. Or print out an application from www.cra-arc.gc.ca
- To see if you qualify, visit www.cra-arc.gc.ca
- CCTB is reduced when your family net income is more than \$37,885. With 1 child, your CCTB is reduced by 2% of the amount that your income exceeds \$37,885. If you have 2 or more children, your CCTB is reduced by 4% of the amount your income exceeds \$37,885.

The CCTB is paid in one lump sum and is the combined payment from the following benefits (2008-2009 amounts):

Canadian Child Tax Benefit (CCTB)

Paid monthly

- \$99.66/month for each child under 7
- \$106.41/month for each child 7-11
- \$119.08/month for each child 12-15
- \$126.16/month for each child 16-17

National Child Benefit Supplement (NCBS)

Paid to low-income families with children

- \$168.75/month for the first child
- \$149.33/month for the second child
- \$142.00/month for each additional child

Child Disability Benefit (CDB)

Paid to families with disabled children

- Up to \$199.58 per month per disabled child

If you have questions concerning the program, you may call 1-800-387-1193.

Alberta Family Employment Tax Credit (AFETC)

You do not need to apply for the AFETC. Your eligibility will be determined from the information the federal government uses for the CCTB.

You could receive up to a maximum of \$1,764 for your family for 12 months based on income and number of children.

Canada's Universal Child Care Benefit

You automatically qualify when you apply for the CCTB.

- Parents will receive \$100/month for each child under 6.
- Once your baby is born you will receive a cheque for your baby in your own name if you are the person primarily responsible for the daily care and upbringing of the child.
- If you are under 18 and live on your own, you are not eligible to receive the cheque that your parents used to receive for you.

Alberta Works

Am I Eligible For Alberta Works?

If you are 18 or older and cannot meet your basic needs of food, clothing or shelter, you can apply for **Alberta Works** (previously known as income support or social assistance).

- If you are under 18 but your spouse or adult interdependent partner is 18 or older and together you cannot meet your basic needs of food, clothing or shelter, your spouse or adult interdependent partner can apply for Alberta Works.
- Alberta Works can help you with other expenses such as utilities or emergency expenses.
- To be eligible for Alberta Works, you must be an Alberta resident.
- To find the nearest Alberta Works office call toll free: 1-866-644-5135
- First Nation's members living on reserve are not eligible for assistance from Alberta Works because they are receiving funds from other federal and provincial sources. If you are living on reserve and require further assistance, you should inquire at your local band office.
- If you live off reserve, you may be eligible for Alberta Works as long as you are not receiving other funding from federal or provincial sources.

What Kind Of Benefits Can I Get Through Alberta Works?

Depending on your financial need, Alberta Works offers the following benefits:

- Basic Income Assistance
- Health Benefits (includes dental, special diet)
- Daycare or Alternative Childcare Benefits
- Emergency Benefits (ask your caseworker)

Asking For A Review Of A Decision

- If you are denied assistance by Alberta Works, you have the right to have the decision reviewed by the Citizens' Appeal Panel.
- If you are not satisfied with the decision of the Citizens' Appeal Panel, you can seek help from the Ombudsman.

Receiving Alberta Works

The amount of money you get will depend on your individual needs and the amount of financial income you receive from other sources. You may qualify for a different amount if you are:

- a single parent,
- leaving an abusive situation, or
- disabled

Child Support And Alberta Works

- If you are a single parent and struggling to meet you and your child's basic needs, you are expected to explore all resources including child support from the other parent.
- Alberta Works will try to help negotiate a voluntary support agreement with the other parent or make an application to the court on your behalf.
- Any child support you do receive will be deducted from your Alberta Works cheque.

Going To University Or College

If you receive Alberta Works and you pursue a post-secondary education, Alberta Works does not pay for the cost of your education.

- You are expected to apply for Student Aid, scholarships, or bursaries for financial assistance to pay for expenses. Any money you receive from these other sources will be considered income. This may affect your eligibility for Alberta Works.
- If you want to further your education, you should talk to your caseworker. You must get an approved case plan before registering as a student.

Health Card Benefits

If you receive Alberta Works, you may also be eligible for a Health Card. The card provides limited care for dental and optical needs.

- If you are not eligible for Alberta Works, you may still qualify for a Health Card in special circumstances. Call your local Alberta Works office for more information: **1-866-644-5135.**

Dial the RITE line followed by the appropriate number for your location.

Dial 310-0000 (for a free call to an Alberta government office)

Northern Alberta: (780) 427-2756

Southern Alberta: (403) 297-6185

Alberta Child Care Subsidy

Low and middle income families using licensed or approved out-of school child care (for the hours before and after school) are eligible for a subsidy.

- Your child must be 12 or under and not yet in Grade 7.
- Eligible families with children in Grades 1-6 will also be able to access the Kin Child Care Funding Program to help pay a relative to look after their child(ren) when they are at work or school. You need to fill out a Subsidy Application Form available at www.child.alberta.ca

Native Counselling Services Of Alberta

Family Court Services

The primary goal of Native Counselling Services of Alberta's Family Courtwork Services is to assist Aboriginal families in the courts when action has been taken by Children's Services authorities regarding the welfare of the children.

Objectives of family courtwork services:

- To work directly with Aboriginal families or individuals who have come in contact with the judicial system.
- To assist Aboriginal people in understanding their rights and obligations in the family court system.
- To help members of the criminal justice system to better understand the unique dynamics and needs of Alberta's Aboriginal families.
- To assist in finding alternatives to apprehension of children—with the ultimate goal of keeping families together.
- In situations where children have already been apprehended, the family courtworker can assist you in working toward having your children returned to you.

Courtworkers can assist clients in family court in the following ways:

- They can provide support and counselling.
- They can help clients understand their rights and responsibilities.
- They can explain court processes and procedures.
- They can explain (and make referrals to) additional programs that are available for clients.
- They can find a language interpreter.
- They can speak on your behalf in court.
- They act as a liaison between the children, the family, and Children's Services personnel.
- They are able to explain Children's Services agreements, court orders, service plans, custody agreements, and appeals.

All services are provided free of charge and are available to all regardless of status.

Parenting Resources

To download a copy of this guide visit www.bearpaweducation.ca

Adoption

Adoption Options: (780) 433-5656
Adoption Handbook: www.adrc.com
Aboriginal Adoption Program: (403) 297-4376
Yellowhead Tribal Services Agency: www.ytsa.ca

Income Assistance

Guide to Services for Lower-Income Albertan: www.gov.ab.ca/servicealberta/LowerIncomeGuide
Health Benefits: www.employment.alberta.ca
Income Support: www.employment.alberta.ca
Your Guide: www.employment.alberta.ca

Legal Information

Alberta Justice Information Line: 310-0000, (780) 427-2745
Alberta Law Line: 1-866-845-3425
Family Law Information Centre: (780) 415-0404, (403) 297-6981
www.albertacourts.ab.ca/cs/familyjustice
Lawyer Referral Service: 1-800-661-1095
Dial-A-Law: 1-800-332-1091
Department of Justice Canada: Family Law Information Line: 1-888-373-2222
Native Counselling Services of Alberta: www.ncsa.ca
BearPaw Legal Education and Resource Centre: www.bearpaweducation.ca

Parenting

Becoming a Parent in Alberta: www.employment.alberta.ca
24 hour Child Abuse Hotline: 1-800-387-5437
Child Support Services: www.employment.alberta.ca
Child Disability Resource Link: 1-866-346-4661
Child and Youth Advocate: 1-800-661-3446
Children's Legal and Educational Resource Centre (CLERC): (403) 207-9029
To get a copy of Child Support Guidelines: 1-888-373-2222 www.canada.justice.gc.ca

Separation And Divorce Because life goes on...

Public Health Agency of Canada: www.phac-aspc.gc.ca
What Happens Next? Information for kids about separation and divorce www.justice.gc.ca
Booklets regarding Child Support, Parenting, and Contact Orders: www.albertacourts.ab.ca/familylaw/booklist.htm

Others

Alberta Aboriginal Relations: 310-0000, (780) 427-8407
Alberta Works Contact Centre: 1-866-644-5135
To find a food bank in your area: 1-866-251-2326
Career Information Hotline: 1-800-661-3753
Credit Counselling Services of Alberta: 1-888-294-0076
Congress of Aboriginal Peoples: (613) 747-6022
Consumer Information Centre: 1-877-427-4088
Canada Revenue Agency: 1-800-959-8281
Indian and Northern Affairs Canada: 1-800-567-9604
Inform Alberta: www.informalberta.ca
Inuit Tapirisat of Canada: (613) 238-8182
Métis Nation of Alberta: www.metis.org
Métis National Council: (613) 232-3216

Family Duty Counsel

Duty counsel are lawyers who give free legal advice for people who do not have lawyers. They will explain issues and provide advice about your options. Duty counsel is not the same as a lawyer. **For a specific family duty counsel schedule visit:** www.legalaid.ab.ca

The RITE Line

If you need to phone any Alberta government office, dial 310-0000 then enter the number you need to reach. The call will be free from anywhere in Alberta.

Long Distance Calls

- In this guide, all phone numbers that begin with 1-800, 1-866, 1-877 or 1-888 will be free calls from anywhere in Alberta.

FREE Internet services are available at your local:

- Library
- Alberta Service Centre
- Canada-Alberta Service Centre

To find a Service Centre, phone 1-800-661-3753

Acknowledgements

Alberta Children and Youth Services www.child.alberta.ca

Alberta Employment Standards Code www.qp.gov.ab.ca/catalogue

Alberta Human Rights Commission www.albertahumanrights.ab.ca

Alberta Justice www.justice.alberta.ca

Alberta Works www.employment.alberta.ca

Canada's Food Guide www.hc-sc.gc.ca

Canada Revenue Agency www.cra-arc.gc.ca

College of Physicians & Surgeons of Alberta www.cpsa.ab.ca

Department of Justice Canada www.canada.justice.gc.ca

Divorce Act www.canlii.org

Family Law Act www.qp.gov.ab.ca/catalogue

Indian and Northern Affairs Canada www.ainc-inac.gc.ca

Legal Aid Alberta www.legalaid.ab.ca

Métis Nation of Alberta www.metis.org

Native Counselling Services of Alberta www.ncsa.ca

Service Alberta www.servicealberta.gov.ab.ca

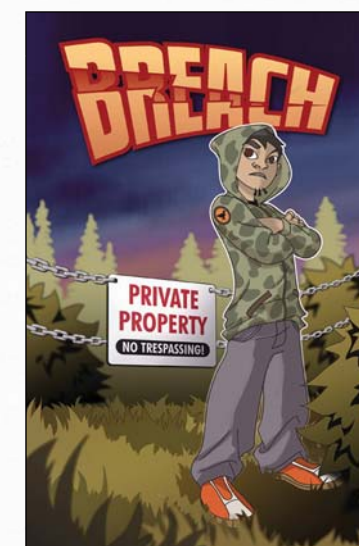
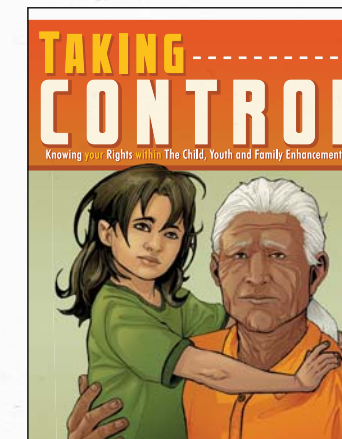
Service Canada www.servicecanada.gc.ca

BearPaw Legal Education & Resource Centre

Check out other FREE resources offered by BearPaw Legal Education & Resource Centre!

Taking Control – Knowing Your Rights Within the Child, Youth & Family Enhancement Act

Taking Control is your road map to the complicated legal maze that is the Alberta Child, Youth and Family Enhancement Act. Written in easy-to-understand language and laid out in a friendly, accessible format, Taking Control aims to give parents the knowledge they need to exercise their rights within the act, and in doing so better help themselves and their families. This publication is also accompanied by a companion DVD by the same name, produced by BearPaw Media.



Breach

A comic book produced by BearPaw Education, Breach is a light-hearted look at a serious topic—breach charges and administration of justice. Breach follows the misadventures of Sherman Buffalo, a troubled but well-meaning Aboriginal teen. Charged with a minor offence, Sherman would under normal circumstances face little more than community service, but as a result of his ignorance of the consequences of breaching court orders, he faces the possibility of a jail sentence. This youth-oriented resource aims to reinforce not only the importance of following court orders, but also honoring your word.

Muskwa & Sam's Spear of Fate

A brand new comic book produced by BearPaw Legal Education & Resource Centre, Muskwa & Sam's Spear of Fate is a woodland superhero yarn about natural law and respect for the natural world. In this comic book, Muskwa the Bear, the fearless defender of justice and natural law, comes to the rescue of three kids who have crashed their go-kart in the middle of the woods. Muskwa, together with his trusted sidekick Raven and a wacky trio of prairie chicken spies, use the accident as an opportunity to teach the kids the laws of nature and the importance of respecting the natural world.





Colouring Fun!

