When a marriage or relationship ends, there may be questions about who gets to make decisions for the children.

Ideally, parents can create a **“parenting agreement”** that covers issues like where the child will live, how much time they spend with each parent, and who makes important decisions about their well-being. Parents can explore different ways to reach an agreement without going to court.

If they can’t come to an agreement, the court can step in and make a **“parenting order”** to settle matters like parenting time and decision-making responsibilities. Applying to the court may also be necessary if you need urgent assistance to protect a child’s safety.

Wolastoqey Tribal Council Inc.

New Brunswick Law Foundation
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For more details on what you need to know about parenting arrangements and the resources available, visit our website.

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What You Need to Know About

Parenting Arrangements

How Do I Get a Parenting Agreement?

Parents may negotiate a parenting plan together. This should be confirmed in writing in a formal document. If parents cannot reach an agreement on their own, they can consider using out-of-court dispute resolution processes, such as **collaborative law** or **mediation.**

These are not appropriate options if there is a high level of conflict, power imbalances, a significant history of substance use or mental health issues, or family violence in the relationship.

Can I Change My Parenting Agreement or Order?

If you have a parenting agreement:
Both parents may agree to change the written parenting agreement.

If you have a parenting order:
You can apply to the court to change the order. Changes to the parenting order should always go through the court, as informal changes to a parenting order *have no legal effect*. If one parent decides to break the informal agreement, the other parent cannot ask the court to enforce the informal change.



What if We Cannot Come to a Parenting Agreement?

If parents cannot reach an agreement, they can ask the court to create a "parenting order". A parenting order addresses where the children will live and how often they will spend time with each parent.

A parenting order focuses on the best interests of the child, considering factors like their physical and emotional well-being, the history of the child's care, and each parent's ability to care for the child. It also includes considering the child's cultural, linguistic, religious, and spiritual upbringing, including First Nations upbringing and heritage.

One or more parents, including adoptive parents, can apply to the court for a parenting order.

What Happens if One Parent Is Not Following the Parenting Agreement or Order?

Despite a parenting agreement or order, there may be continued disputes between parents about the children. In such cases, document the dates, times, and details, and try to resolve the issue through communication, mediation, or with a lawyer. If both parents agree on changes to the parenting agreement or order, they must go to court to get a new order.

If you and your partner cannot agree on changes, you can apply to the court for help. The court may enforce the agreement or make changes, and a parent not exercising their rights may lose them if the other parent applies for a change.

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