

# Am I a Guardian under the Amended *Family Law Act* ?

(amendments coming into force on August 1, 2011)



**These questions apply only to the PARENTS of the child. If you are not a parent of the child, you can only be a guardian with a court order or by being nominated to replace a guardian on his or her death.**

Has the Court ever made an Order saying you are NOT a guardian?	YES	NO
Has the Court ever made an Order saying the other parent is the SOLE guardian?	YES	NO
Did you sexually assault the other parent resulting in the birth of the child?	YES	NO

**If you answered “yes” to any of these above, then you are NOT a guardian.**

**If you answered “no” to all of the above questions, go on and answer the following questions.**

Were you married to the other parent at the time of the birth of the child?	YES	NO
Were you in an adult interdependent partner relationship with the other parent at the time of the child's birth?	YES	NO
Did you enter into an adult interdependent partner relationship with the other parent after the birth, but within one year of knowing of the pregnancy or birth of the child?	YES	NO
Did you enter into an agreement <sup>1</sup> with the other parent to be a guardian of the child within one year of knowing of the pregnancy or birth of the child?	YES	NO
Did you marry the other parent after the birth, but within one year of knowing of the pregnancy or birth of the child?	YES	NO
Did you live with the other parent for at least 12 months during which time the child was born?	YES	NO
Did you give birth to the child?	YES	NO
Did you become a parent of the child through assisted reproduction?	YES	NO
Were you married to the other parent and the marriage ended within 300 days before the birth by death, a decree of nullity or a judgment of divorce?	YES	NO
Did you voluntarily provide or offer to provide reasonable financial or other support to the birth mother during her pregnancy or within one year of knowing of the pregnancy or birth of the child (other than through a court order)?	YES	NO
Did you voluntarily provide or offer to provide reasonable financial or other support to the child within one year of knowing of the pregnancy or birth of the child (other than through a court order)?	YES	NO

**If you answered “yes” to one or more of the above questions, then you ARE a guardian.**

**If you did not answer “yes” to any of the above questions, you are likely NOT a guardian of the child.**

<sup>1</sup> The agreement must be in writing, dated, signed by the parents, and the parents' signatures must be witnessed by a 3<sup>rd</sup> party.