

# Statutory Guardianship (S. 20)

## Transitional Issues

(amendments to the *Family Law Act* coming into force on August 1, 2011)



Is the parent a guardian under the previous section 20(2) because he or she was in one of the specified relationships with the other parent?	YES	NO
Is the parent a guardian under the previous section 20(3) because the child has not established usual residence with one parent? <sup>1</sup>	YES	NO
Is the parent a guardian under the previous section 20(3) because the child has established usual residence with that parent or with both parents equally?	YES	NO
Is the parent a guardian under the previous section 20(4) because the child resided with that parent for one year, even if the child now lives with the other parent?	YES	NO
Is the parent a guardian under the previous section 20(5) because the parents entered into an agreement that both would continue to be guardians even though the child is residing with only one of them?	YES	NO

**If the answer is “yes”, the parent will continue to be a guardian under the amended provisions.**

**If the answer is “no”, go on and answer the following question.**

If the parent is not a guardian under the previous section 20, has it been less than a year since the parent has known about the pregnancy or birth of the child?	YES	NO
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**If the answer is “yes” the parent will become an automatic guardian IF he or she demonstrates an intention to assume the responsibility of a guardian in respect of the child before the time limit is spent as required by the amended section 20(2).**

**If the answer is “no”, the parent will not automatically be a guardian under the amended section 20 and would have to make an application for guardianship under section 23.**

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<sup>1</sup> Note also that this parent will not lose their statutory guardianship status even if the child establishes usual residence with the other parent after the amendments come into force, because the former section 20(3) will no longer be in force.