

ACCESS

ACCESS: WHAT IS IT?

Parental access rights, also referred to as parenting time, is the amount of time a parent spends with their child. Access does not include the ability to make major decisions in a child's life as that is a matter dealt with under custody. If parents are unable to agree, they can request a court to order specific access time.

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ACCESS: WHO CAN APPLY?

Access applications are not limited to parents. Saskatchewan Courts may allow applications from other sufficiently interested parties such as step-parents and grandparents. Permission of the court to make an application may be required.

ACCESS: WHEN CAN YOU APPLY?

Access may be awarded at any stage of the family law proceeding. In the interim (i.e. before a final resolution) a party may apply to court for an order for access to the child. As with custody orders, interim access orders are not final, and only last until an agreement is reached, or a final Court judgment is made. A final Court judgment is also not permanently binding, as a party may apply for a variation order in the event there is a material change in circumstance. The Courts will assess the situation based on the best interests of the child and will determine whether or not a variation order should be granted.

ACCESS: HOW IS IT AWARDED?

As with custody, the Courts establish the amount of parenting time based on the best interests of the child. In assessing the best interests of the child, the Courts will consider factors such as the age of the child, the wants and needs of the child, the ability of the applicant parent, and the nature of the relationship between the applicant parent and the child and the parenting roles during the relationship. Based on this assessment, the Courts may make an order with specified parenting or access time. The order may outline the days and times of the week each parent has the child as well as pick-up and drop-off locations and times. The order may also address holiday time and special occasions.

Shared parenting as described in the Federal Child Support Guidelines refers to the situation where the child spends between 41-59% of the time with each parent. Generally, where a child spends more than 60% of his/her time with one parent, the child is said to be in the primary care of that parent.

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SASKATOON
374 Third Ave South
Saskatoon, SK S7K 1M5
(306) 653-2000 F (306) 653-2669

REGINA
800 - 1801 Hamilton Street
Regina, SK S4P 4B4
(306) 565-6500 F (306) 565-6565

mckercher.ca