

# Did you know?

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## ENFORCING THE RIGHT TO VISIT YOUR CHILD

If you have an order or agreement about custody and access under the Divorce Act, or about parenting time or contact under the BC Family Law Act, and your ex lives in BC, repeatedly refuses to comply with the order or agreement that allows you to spend parenting time with your child, and refuses to come to a new agreement, you can go to court and apply for an order to remedy the wrongful denial.

### The right to parenting time, contact, and access

Even if one parent doesn't pay child support or is behind on payments, the other parent can't refuse to let the child see him or her. As far as the law is concerned, parenting time, contact, and access are *not* tied to child support payments. The child has the right to spend time and have a relationship with the other parent, even if that parent is behind on support payments.

### How can a judge enforce parenting time or contact?

The judge can order any of the following:

- mediation or family dispute resolution
- the person who denied parenting time or contact must attend counselling or programs
- time scheduled to make up the time denied
- payment of any costs of the denial
- supervised transfer of the child
- possible payments or fines of up to \$5,000
- If the judge orders mediation, counselling, or other services that cost money, the judge can also decide how the two parents will pay for it.

Get legal advice from a lawyer before deciding to seek remedies through the courts.

### For More Information

**Family Law website:** [www.familylaw.lss.bc.ca](http://www.familylaw.lss.bc.ca)

#### **The Lawyer Referral Service:**

In the Lower Mainland: 604-687-3221  
Elsewhere in BC: 1-800-663-1919

LSS booklet: *Living Together or Living Apart*