



Workshop Guide

Parental Obligations and Responsibilities

Prioritizing Children's Best Interests

Background

This guide was developed to support
La Maison Bleue's legal assistance team.
It is current as of November 1, 2023.

We also have four other workshop guides on
the following subjects:

- The rights of refugee claimants
- Preparing for a refugee hearing
- Wills
- Preparing for birth

Legend:

Questions to ask

Instructions for presenters

Resources

Important information

All of the workshop guides can be found on
[Espace périnatalité sociale](#).

This guide can be used when talking with families, especially migrant
families who may be unfamiliar with the rights of children in Quebec.

The workshop on parental obligations and responsibilities covers
several legal topics but should not be considered a replacement for a
one-on-one meeting with a lawyer, as every individual's
circumstances are unique. Though all facts should be conveyed
accurately to participants, we provide suggestions for adapting the
workshop to suit particular needs.

With the exception of direct quotations from the Civil Code of Quebec,
which uses the masculine to refer to all genders, we have made an effort
to use gender-neutral language (i.e., the singular "they" and "their")
throughout.

This guide was prepared with the financial support of **Justice Canada**
and the **Chambre des notaires du Québec**. That said, La Maison Bleue
alone is responsible for the content.

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must be used in its original format, without modification.

Preparation

Goal of the Workshop

Familiarizing parents with their obligations to their children as well as their children's rights.

Explaining the role of the Direction de la protection de la jeunesse (DPJ), sometimes referred to in English as "Youth Protection Services" or the "Director of Youth Protection" (DYP), and the situations in which the DPJ may become involved.

Target Audience

Parents of children of all ages.



Recommended length
90–120 minutes



Group size
4–12 people

Leading the Workshop

The workshop should ideally be led by **two people**, such as a lawyer and a specialist in education or psychoeducation. Before beginning the workshop, the presenters should determine who will share what information based on their respective **areas of expertise**.

When the participants are not native speakers of French or English, it is recommended that **interpreters** be hired to ensure comprehension.

The workshop is designed to be informal and leaves plenty of room for discussion. It is best to hold the workshop in person rather than online.

Visual Aids

We recommend using a **whiteboard** or large blank sheets, as these will allow you to write out information relevant to your group's needs and move away from a lecture format, which can be intimidating.

Complementary Materials

- Materials for the icebreaker activity (see next slide)
- Copy of the Civil Code (if available) to show participants



We recommend that you print this guide and make note of any resources and additional information that may be relevant to your participants.

Starting the Workshop

Introduce the presenters, their profession and their role in the organization.

Describe the goal of the workshop:

Explaining the rights of children in Quebec and the obligations of parents. The workshop provides an overview of basic principles and does not address the United Nations Convention on the Rights of the Child.

Start the icebreaker activity by asking each participant to randomly choose one of the papers with a word written on it. Next, have each participant introduce themselves with:

- Their name
- Their children's ages (if they have children)
- Their country of origin
- The word on the paper they selected and what it means to them. If the participants are migrants, how are these topics discussed in the country they come from?

Materials for the Icebreaker Activity

Write each of the following words (as well as any others that you consider relevant) on separate pieces of paper:

Respect	Discipline	Education
Authority	Father's and mother's responsibilities	
Spanking	Corporal/physical punishment	Decision

The DPJ

We have placed the section about the **Direction de la protection de la jeunesse** at the end of the workshop, as its role relates to all the principles explained in the preceding sections.

That said, it is very likely that questions about youth protection services will arise throughout the workshop. We recommend that you determine the best time to address the topic of the DPJ for your particular group.



Introduction

What is the difference between a right and an obligation?

In Quebec, children primarily have rights, while parents primarily have obligations. Parents do not have rights OVER their children. They have rights as parents, but these must be exercised in the best interests of the child. The concept of best interests will be explained later.

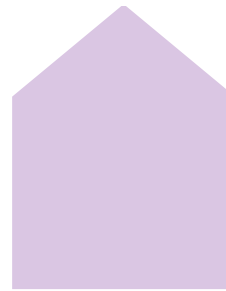
The **needs** of the child and the **responsibilities** of parents are closely related. Here, in Quebec, the majority of obligations and rights are outlined in the **Civil Code of Quebec**. This code covers all aspects of the law, including birth, marriage, buying a home, renting an apartment, work, death and inheritance.

Write down participants' answers. Arrange them in two columns to distinguish between the concepts. Correct or add to the answers using the following definitions:

- Right: A power or privilege to which someone is entitled by law.
- Obligation or duty: A requirement, by law or contract, to do or not do something.

What needs do children have?
Are some more important than others?

Write down participants' answers.



Children's Rights

The Civil Code mentions the most important children's rights:

- *"Every child has a right to the **protection, security** and **attention** that his parents or the persons acting in their stead are able to give to him."*
- *"Every decision concerning a child shall be taken **in light of the child's interests and the respect of his rights**. Consideration is given, in addition to the moral, intellectual, emotional and physical needs of the child, to the child's age, health, personality and family environment [...] and to the other aspects of his situation."*

What does "best interests of the child" mean to you?

Highlight the main ideas.

United Nations Convention on the Rights of the Child

The **Convention on the Rights of the Child** is an international treaty that sets out a number of children's rights.

To learn more about these rights and discuss them with parents, please refer to UNICEF's simplified document or the Community Social Pediatrics Institute's workshop on the topic.

The Best Interests of the Child

The physical, emotional, intellectual and spiritual well-being of every child must be considered.

- Each situation must be evaluated based on the context, the age of the child, their development and personality, and other factors. **There is no one right solution.**
- When cases end up in court, the judge uses the "best interests of the child" approach when examining the situation. The judge considers only the well-being of the child and not of the parents, i.e., what is best for the child given their current situation.

The best interests of the child are considered in all decisions about them, including those relating to custody, choice of school and health (e.g., vaccination).

Parental Authority

According to the Civil Code, **a child remains subject to the authority of his father and mother until his majority (18 years)** or emancipation.

This is called “parental authority,” and we will explain it here.

What is parental authority?

Briefly, it is a set of rights and obligations that all parents have with regard to their child.

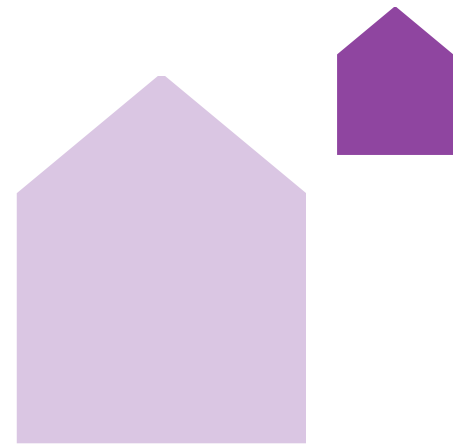
The main duties/obligations are set out in law:

- Custody: Deciding who will look after the child (e.g., daycare, babysitter, parents, friends) to ensure their safety
- Education: Ensuring that the child attends school until the age of 16, choosing a school, making decisions about religious instruction, etc.
- Maintaining the child
- Supervising the child and ensuring their safety.

In Quebec, the law stipulates that **parental authority is shared equally between both parents** – both parents have an equal say in decisions relating to the child, regardless of the child’s age or custody arrangement. Note that “parents” means those individuals listed on the child’s birth certificate.

As an example, if both parents cannot agree on a school for their child, either directly or through mediation, they will have to appear in court, and a judge will decide for them.

The next sections cover different examples of parental authority in the areas of health, travel and supervision.



Parental Authority

The following sections (health, travel, supervision and discipline) provide some concrete examples of parental authority. Please note that these are not exhaustive lists.

Health

When it comes to health decisions, parental authority depends partly on the child's age.

Younger than 14 years:

Parental authorization is **always required** for a child under 14 to receive medical care, **except in emergencies**, when medical personnel are allowed to provide care without obtaining parental consent.

It is important to note that, for a doctor, authorization from one parent is sufficient, unless the other parent categorically refuses to provide authorization. Once again, this excludes emergencies.

Parents have the right to consult medical records for children under the age of 14.

If both parents do not agree on care, they will have to appear in court, and a judge will decide for them.

14 years and older:

Consent and Refusal of Care

A child aged 14 or older can provide consent for their own medically necessary care (e.g., surgery or blood transfusion) and can refuse care (whether medically necessary or not).

If the child refuses care needed to sustain their life or health, a parent can provide consent instead.

Parental authorization is generally not required for care that is **not medically necessary** (e.g., cosmetic treatments).

Parents are **not automatically contacted** if their child goes to the hospital. They are only advised once the child has been in a medical facility for 12 hours.

Medical Records

A child has the right to access their own medical records.

Once they turn 14, a child can **refuse to grant parental access to their medical records**. If a parent asks to see the records, the medical team, hospital or clinic will first request authorization from the child. If the child refuses, the care team will determine whether providing the medical records to the parents without the child's consent could harm the child or if doing so is necessary for the child's well-being.

Contraception and Abortion

A minor who is 14 years or older can undergo an abortion without parental consent.

Minors aged 14 and older can ask their doctor for a prescription for birth control pills without authorization from their parents (as long as the prescription does not present serious health risks).



Parental Authority

Travel

Generally speaking, when two parents are listed on a birth certificate, both parents must give their authorization for the child to travel.

If both parents are travelling with the child, no authorization is required as both parents are present to indicate their agreement.

What to do when travelling alone with your child

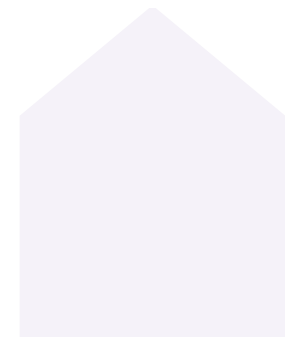
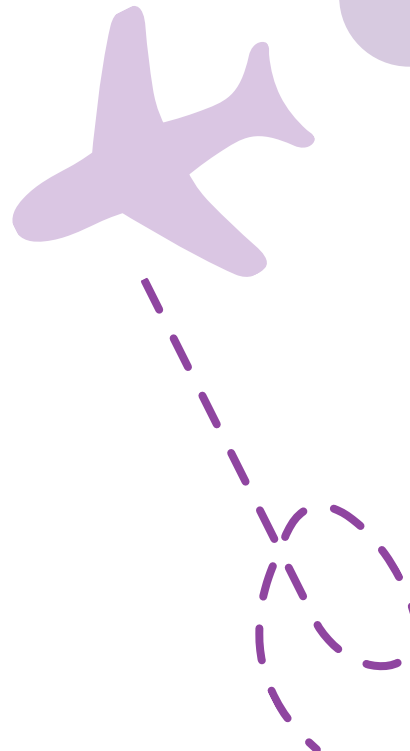
Some countries require a signed letter from the other parent authorizing the child's travel. This is for a number of reasons, such as preventing kidnapping. To ensure that they are not prevented from leaving Canada, a parent should follow these measures:

- If possible, carry a letter of consent/authorization from the parent who isn't travelling.
- If they have full custody of the child, carry a copy of the legal decision showing that this is the case.
- If the other parent is deceased, carry a copy of their death certificate.
- If they no longer have contact with the other parent listed on the birth certificate, or the other parent is opposed to the child's travel, the parent wanting to travel with their child can appear before a judge to obtain authorization.

If there is only one parent listed on the birth certificate, that parent can travel with their child. However, it is recommended that they carry a copy of the child's birth certificate to prove that no other parent is listed.

IMPORTANT:

If a parent plans to travel with their child but the other parent refuses consent, they will need to appear before a judge to request authorization. This process can take time and needs to be done well in advance of the planned trip.



Parental Authority

Supervision

At what age can children be left home alone?

Ask participants to explain their answers. Do they believe it depends on the child or the circumstances?

What does it depend on?

In Quebec, the law does not stipulate a minimum age at which children can be left home alone.

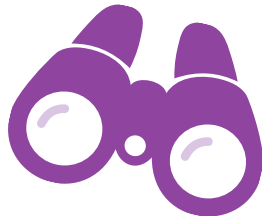
The [Naître et grandir](#) website gives the following guidelines:

The Canada Safety Council recommends that a child under the age of 10 should not be left alone and that a child under the age of 12 should not be left to supervise another child. Furthermore, it is recommended that even a child aged 10 be should be provided guidance and supervision from an adult at a distance. However, these recommendations are only guidelines. On the one hand, it may be acceptable to leave a younger child alone at home for a short period of time; on the other hand, an older child may not yet be ready to be left alone.

It all depends on the situation and the child's maturity level.

- The child's personality and maturity level.
- How long parents will be away: A child cannot be left alone for too long. A parent can help their child develop their independence gradually by leaving them alone during the day for short periods (e.g., starting with 10 minutes, then increasing to 30). If parents are away for a few hours, children under 12 years must be under the supervision of a responsible and competent person.
- The time of day: Children feel more insecure when left alone in the evening, so this should be avoided.
- Appropriate supervision: Having confidence in a child's autonomy doesn't mean that they should be left entirely responsible for taking care of themselves. The child must be able to access support in case of an emergency or distress, e.g., they should have a way to contact their parents, a neighbour or a family member who lives nearby. Additionally, the child should be given specific guidance and safety instructions, such as coming home right after school, not answering the door and not mentioning on the phone that they are alone at home.

This is a summary from the [Naître et grandir](#) website, which can be consulted for more details.



Parental Authority

Supervision (continued)

It is prohibited to leave a child under 7 years of age unattended in a vehicle. Offenders may be subject to a fine of \$60 to \$100 and may also be reported to the DPJ for neglect.

What should parents do when they need to go out without their child (for example, to get groceries or take a break)?

Parents should consider the people and places around for supervision options: neighbours, friends, drop-in daycare, etc.

If the workshop is led by a specialist in education or psychoeducation, we recommend that this section be adapted to the needs of the group.

What happens if parents do not supervise their child appropriately or if they leave their child unattended?

Since parents have a legal obligation to supervise their children, they may also be liable for any damages that their children cause (e.g., breaking something that belongs to a neighbour).

The DPJ or the police may intervene in certain circumstances.

Though there is no law in Quebec stipulating the minimum age for a child to be able to stay home alone, the DPJ can investigate if a report is received about a child who is left home alone. The part of the workshop devoted to the DPJ provides more information on this topic.

Parental Authority

Discipline and Use of Force

The use of physical force is never recommended as a means of discipline. It can have a harmful effect on development. There are other, more efficient ways to discipline children.

The use of force is governed by criminal law and the DPJ (see the next section).

In Canada, **it is a criminal act** to:

- Hit a child with an object (e.g., a belt)
- Cause injury to a child
- Hit a child on the head
- Use force to correct a child under 2 years of age or over 12 years of age.

Parents who abuse their child using physical punishment may be charged with a criminal offense and end up with a criminal record. The police are permitted to intervene in such cases.

Any force that is used should be administered in a non-abusive way, in the best interests of the child. It may be used for discipline, but it is essential that the child be capable of understanding its purpose.

Even if a form of punishment isn't criminal, it can still be abusive. If physical or mental abuse is suspected, the **DPJ is permitted to intervene** (see the next section for more information).

The topic of discipline and physical punishment leads to lots of questions from parents.

If your organization or any of your partners offers workshops on discipline or more personalized guidance for parents, let your participants know!

Direction de la protection de la jeunesse

Have you heard of the DPJ?
What do you think about it?
Is there a similar youth protection authority in the
country you come from?

Write down the answers. Are participants' impressions generally positive or negative?

The goal here is to explain what the Direction de la protection de la jeunesse (DPJ) is and how it works in order to demystify this important but potentially intimidating institution.

What is the DPJ's role?

The DPJ is a government organization that intervenes in situations where a child's safety or development is endangered.

When does the DPJ intervene?

The DPJ intervenes when a report is filed. A person can file a report with the DPJ when they are worried about a child's safety or development.

Who can file a report?

Anyone (e.g., neighbour, school, doctor) can file a report. Certain professionals are required to make a report when there are concerns about a child. Parents are never told who made the report. This information is confidential, and only the person who filed the report can disclose it.



Direction de la protection de la jeunesse

Reporting

When a report is received, the DPJ will first decide whether to “accept” the report or not. **The fact that someone has reported a situation does not necessarily mean that the DPJ will intervene.** The case may be closed without further action.

However, when a report is received, the DPJ is required to assess the situation and check whether any of the following are present or true:

- Sexual or physical abuse, or risk of sexual or physical abuse
- Abandonment: If the parents have died, for example, and no one is looking after the child
- Neglect: Insufficient food, inappropriate supervision for the child’s age, unsanitary living conditions, lack of age-appropriate stimulation
- Psychological abuse: If the child is being belittled or rejected, for example, or if they are exposed to domestic violence
- Serious behavioural issues, such as drug or alcohol consumption or violent behaviour
- The child has run away from home.

After a Report is Received

If the DPJ decides to accept the report, the case will be reviewed in greater detail to determine whether the child needs protection.

If the DPJ concludes that the child needs protection, it may propose a plan to the parents (voluntary measures). **Parents are not required to agree to the plan.** If the parents refuse, the DPJ can bring the case before a judge. The parents must then go along with whatever the judge decides, which may be different from what the DPJ proposed. Decisions are always made in the best interests of the child. It is important to note that the judge is not required to agree with the DPJ’s proposal.

The parents and child can have different lawyers. Legal aid is available for parents under certain circumstances.

The DPJ or the judge may propose a number of different measures, such as meeting with a DPJ case worker every two weeks, placing the child with a grandparent for a certain period of time or arranging supervised visits.



Direction de la protection de la jeunesse

Parental Rights During a DPJ Intervention

Parents have the following rights when a report is made to or investigated by the DPJ:

- Right to be informed
- Right to be heard
- Right to a lawyer
- Right to contest/refuse
- Right to receive support.

Parents can file a complaint about the DPJ with the Protecteur du citoyen (Quebec ombudsman), the user committee or the Commission des droits de la personne (depending on the circumstances).

NOTE

The purpose of the DPJ is not to monitor all of Quebec's 1.3 million children and their parents – the staff do not have the time or the resources for that. The DPJ only intervenes in certain cases.

What to Do Following a Report

Finding out that the DPJ has received a report about a child can be devastating for families.

If your organization offers assistance and support to parents who find themselves in this situation, let them know what steps to follow.

The Rights and Responsibilities of Parents in Quebec

This guide was created to support La Maison Bleue's legal assistance team. It is current as of November 1, 2023.

We have developed a total of five workshop guides to help professionals inform and assist both current and soon-to-be parents with aspects of the legal system that they may come into contact with.

La Maison Bleue is a non-profit organization whose mission is to reduce social inequalities by helping pregnant women in vulnerable situations. We promote and foster optimal child development from the womb to age 5.

La Maison Bleue's collection of legal workshop guides is available on [Espace périnatalité sociale](#).



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