

Title: Parenting Time 101 (Part 1)

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Introduction

When undergoing changes to family structure, Parenting Time is an important phrase to understand. This article breaks down basic information about Parenting Time.

The Best Interests of the Child

When making decisions about a changing family, it's important to consider the best interests of a child. It's the most important thing a court considers when making parenting orders. To decide what is in a child's best interests, courts consider a child's physical, emotional, and psychological security, safety and well-being, [among other factors](#).

What Is "Parenting Time"?

You might be more familiar with the words "custody", or "access". In 2021, the [Divorce Act](#) got rid of those terms and replaced them with "decision-making" and "parenting time".

Parenting-Time refers to the time a child spends in the care of a parent. It can refer to time that a child spends in the care of a parent even if the child is not physically with that parent (e.g. when the child is at school, or in extra-curricular activities). "Access" is now called "parenting time" and any parent who had "access" now has parenting time.

Decision-Making refers to the ability to make decisions in 4 main areas of a child's life: education, religion, health, and extracurricular activities. What used to be known as "custody" is now called "decision-making", and any parent who had custody, now has decision-making.

Who Can Get Parenting Time

Only the parents of a child are able to get parenting time ordered by the court.

People who are not the child's parents are still able to get court orders for time with the child. This is called "contact", and it is often requested by grandparents, or by people who the child has a close relationship with.

How to Get Parenting Time

Parenting Time can be agreed upon as part of a separation agreement, or it can be ordered by a court.

Parents can work out a schedule and agreement amongst themselves for how they will spend time with the child. This would be a separation agreement, or more generally, a domestic contract.

If the parties cannot agree on it, a court can make an order for parenting time which sets out the time and duration each parent has with the child.

Courts can order parenting time as part of temporary orders, or final orders. Temporary orders are orders which determine what will happen while an issue is being resolved. Final orders are made by the court when they give their final decision on an issue after a trial. They are final and can only be changed if a party brings a [Motion to Change](#) and is able to show that there has been a [material change in circumstances](#) which warrant changing that order, or the parties agree to change that order through a Consent to Motion to Change.

Important Forms to be Aware Of

Form 8 – this is a general form used to begin every family law case. This form lays out what you want the court to do for you.

Form 35.1 – this is a form where you lay out how you plan to care for your child and make major decisions for their lives. This form also asks for you to fill out information regarding criminal history, civil protection history, who lives with you and their criminal history, etc.

Form 35.1A – this form is DIFFERENT from the one above! A Form 35.1A must be filled out in cases where the Children's Aid Society (CAS) has been involved with the family at any time.

Important Notes

- Parenting time is NOT the same as decision-making. Parenting time only refers to the amount of time children spend with each parent.
- Supervised parenting time is when a child spends time with their parent with a third-party present. Supervised parenting time may be ordered when a parent poses a risk of harm to their children or when there has been a long duration of time where the children have not seen their parent. Visits can be supervised by a third-party chosen by the parents, or by a supervised access center.
- It is possible for a court to order no parenting time, but this is only done in the rarest of circumstances.

Additional Resources:

- [Self-Help Guide on how to change a Final Order](#)