Module 5: Family Law

Enduring Understanding

The concept of what constitutes a family has changed over the years, and family law, which varies provincially, has evolved to reflect those changes within Canadian society. Family law outlines the legal responsibilities of what constitutes a marriage, the nature of the contemporary family, as well as the rights of family members. Family law provides protection for both spouses and children in life, health, and emotional well-being. There is an evolving relationship between federal and provincial agencies and Indigenous peoples in Canada in regards to family law—in particular, with respect to customary practices and the role of non-Indigenous agencies in supporting Indigenous families.

Learning Experiences

5.1 Explore the definition of a family in legal terms in Canada, and describe what constitutes family law, including marriage, child protection, and family assets.

5.2 Describe and understand the legal requirements of marriage and common law relationships, including same-sex partnerships, and limitations, such as age, polygamy, and consent.

5.3 Examine the legal requirements and procedures of separation and divorce, including mediation, spousal support, and division of property, as well as protection for individuals in abusive relationships.

5.4 Describe the rights and responsibilities of parents and guardians and how family law protects the rights of children, including topics such as safety, custody and support, adoption, and the role of Child and Family Services.

5.5 Explore issues related to custody of children, such as types of custody, access for non-custodial parents, and child support.

5.6 Examine past and present policies related to customary Indigenous practices and interventions into Indigenous families by governmental agencies, such as adoption of Indigenous children, the Sixties Scoop, residential schools, and interactions with Child and Family Services.

5.7 Analyze issues related to family law, such as cultural expectations, economic factors, and the effects of reproductive technology on families (e.g., surrogate motherhood and in-vitro fertilization).