



What you should know if you are a non-parent applying for custody of a child

Ce guide est également disponible en Français

ISBN 978-1-4435-2405-6 (Print)

ISBN 978-4435-2406-3 (PDF)

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Am I a “non-parent”?

You are not a child's parent unless you:

- are the biological parent;
- adopted the child;
- were declared by a court to be the child's parent; or
- are presumed to be a father under the Children's Law Reform Act.

Why do I need a custody order?

If you are not a child's parent, you may need proof that you have custody to:

- register a child for school;
- consent to medical treatment;
- obtain benefits for the child; or
- apply for a passport.

If I am not a parent, what do I have to file with the court to get a custody order?

- Form 8: Application
- Form 35.1: Affidavit in support of claim for custody or access
- A police records check
- A form authorizing children's aid societies to provide information about you

Where can I get the forms?

The forms and a **self help guide** to completing Form 35.1: Affidavit in support of claim for custody or access are available at the court office or at www.ontariocourtforms.on.ca.

How do I get a police record check?

- Go to your local police station and request a police record check for an application for a custody order.
- There will be a fee payable to your local police service.
- Keep track of when you asked for the police record check so you can put the date in your affidavit.
- Unless you make arrangements to pick up the record check, the police will mail it directly to you.

What if I already have a police record check?

If you have a police records check for the purpose of a custody application that you obtained no longer than **60** days before you go to the court counter to issue your application, you can attach it to your Form 35.1: Affidavit in support of claim for custody or access.

What do I do with the police record check if I did not file it with my application?

Within 10 days of receiving the police record check, you must:

- serve it on any responding parties; and
- file it with the court.

How do I obtain information from children's aid societies (CAS)?

- When you go to the court counter to file your application, court staff will give you a CAS record form.
- In your Form 35.1, you must list every city, town or municipality where you have lived since you turned 18 or became a parent (whichever happened first).
- This information will help court staff decide which CASs must give the court a report.
- The court office will send the form to every CAS that has or had authority in any places in Ontario where you have lived.
- When you complete the form, you are agreeing that those CASs can report back to the court if they have any records about you and if they

do, the dates any files were opened and closed.

What type of records will the CASs include in their report?

The CAS will report if they have or had a file opened about you in which you were an adult who:

- was the subject of a protection investigation; or
- received services from the CAS.

The CAS will not indicate if you were a child:

- in the care of a CAS; or
- who was the subject of a protection investigation.

What happens to the CAS reports?

Reports that indicate that a CAS was involved with you will be shared with the court and the other parties.

Reports indicating that the CAS has no records will be kept in a sealed part of the file and not shared with the court or other parties.

What if I don't want anyone to know that I was involved with a CAS?

You have **20** days from the date that the last report was received by the court to file a motion with the court asking that the report be sealed.

If you do not want the report to be shared, you should bring your motion right away.

Will the court receive any other information?

The court staff will also search court records across Ontario and produce a report showing any other family cases involving you or the children in the case.

If the report includes information about other people with the same name as you, you can swear or affirm an affidavit indicating which court cases did not involve you.

The judge may also ask court staff to search the court records for criminal cases.