



Family Law

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YOUR EX DOES!



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LAWYER

Q

I have custody of our daughter age ten, who received an inheritance. Now my wife says I can't keep the money for our daughter, my wife says she gets the money. What should I do?

A

Many parents think that having custody of your child, and thus having the authority to make decisions about your child's health, education and social activities, automatically confers the right to make decisions about your child's property, but this isn't the case. Being a parent does confer a responsibility to manage your child's property, if you fall within certain guidelines.

In Ontario, these guidelines are as follows: if the amount of the property or money is under \$10,000, and there is no Court Order, then the property or money can be provided to any of the following persons - the child, (if the child has a legal dependent themselves), or the parent the child lives with, or

the person who has custody, or the child's guardian.

If the amount is over \$10,000, then you need a Court Order appointing you as guardian, unless there is a will in place which has already done so.

According to the Children's Law Reform Act, "CLRA" either or both parents can be named guardian of property for the child. A caution - remember that if you mismanage the money or property, you could be held legally accountable.

Finally, as this is complex, it is wise to consult with a family lawyer. A helpful site is Guardianship of Property of Minor Children, found at attorneygeneral.jus.gov.on.ca.

Your friends at Shank Law.



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