

Get consent for a child to attend counselling

If you want to enrol your child in counselling, you must have written consent from the other guardians or a court order allowing you alone to give consent.

1. Start the process early

Deal with consent before putting your child's name on a waitlist. If your child's name comes up and you do not have consent, your child may lose their spot and have to wait even longer for counselling.

If your child needs help immediately, move quickly and get support from a legal professional.

MYTH BUSTERS

Some guardians believe they can enrol the child without the other guardian's consent if they are not asking the other guardian to pay for therapy or to get the child to and from appointments. **This is not true.**

2. Think about why your child should attend counselling

Guardians must make all decisions, including about counselling, in their **child's best interests**. If you must go to court, you will have to convince the justice of why counselling is in the child's best interests.

3. Look at your parenting order (if you have one)

Your parenting order will say who has decision-making authority for the child.

If your court order says one guardian has **sole decision-making authority**, then that guardian alone decides whether the child attends counselling. They don't need consent from the child's other guardians.

If your court order says the guardians **share decision-making authority**, then all guardians must consent to the child attending counselling or you need a court order allowing you alone to decide on counselling.

Some orders give **sole decision-making authority to one guardian for one or more areas** but not all. For example, the order may say the guardians share decision-making authority but only one guardian makes decisions about medical treatment for the child.

If you don't have a parenting order, then you and the other guardians share decision-making authority. This means one guardian cannot make a major decision for the child without the other guardian's consent or the court's permission.

IF YOU HAVE A PROTECTION ORDER

You can ask the court to include in your protection order that you can consent to counselling without the other guardian's knowledge or consent. Or, you can ask the court to allow you and the other guardian to communicate with each other in a very specific way to try to get consent.

4. Write to the other guardians

If you and the other guardian share decision-making authority, you must try hard to get their consent.

Make your request to them in writing. This could be by email, text or a parenting app. Explain why you want to enrol the child in counselling and that you need their consent to do so. It is best to communicate in writing so you have a record of what each guardian says.

If the other guardian does not respond to your request or does not give consent, you can ask the counsellor or their office to contact the other guardian to try to get consent. If neither you nor the counsellor are successful in getting consent from the other guardian, you will have to take further steps.

5. Get help from a professional

Some guardians can work through this disagreement with help from a trained professional, such as a mediator or lawyer. This process can take some time.

If you and the other guardian cannot come to an agreement with the help of a professional, you will have to take further steps.

6. Get or change a parenting order

You can ask the court to grant or vary (change) a parenting order.

If you share decision-making authority, you can ask the court to “dispense with” (not require) the other guardian’s consent for counselling or medical treatments more generally. You must prove to the court that counselling is in the child’s best interests and why you alone should make these decisions.

If you do not have decision-making authority for the child about counselling, you can ask the court to “override” the other guardian’s authority if they do not want the child to go to counselling.

If your child needs to start counselling immediately, you can try to apply to the court for an emergency order.

Remember, going to court takes time and money. It should be a last resort.

Deal with common refusals to counselling

The guardian fears what the child and counsellor will discuss and how it will affect them.

Remind the guardian they must make a decision that is in the best interests of their child, not themselves.

The guardian feels there is a stigma around counselling.

If you feel safe and comfortable doing so, have a respectful discussion about the purpose and techniques of counselling.

The guardian doesn’t think they can afford their share of the counselling costs.

Share with the guardian about sliding scale, reduced fee or free counselling services. You can also offer to pay the full costs if you can afford to do so.

The guardians agree on counselling but not on which counsellor to use.

If you feel safe and comfortable doing so, have a respectful discussion about the different types of counselling and each of your values. To come to a decision, you can also get help from a professional or the court.

Visit CPLEA’s website about family law in Alberta!



Find more information about who is a child’s guardian, how to get or change a parenting order, how to communicate with the other person, where to get legal support and much more.

Get started at family.cplea.ca



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