

I Do Not Agree with a Decision Made by Children's Services...What Can I do?

ALTERNATE DISPUTE RESOLUTION

With respect to any decision made by a Director, a guardian may have the ability to enter into alternate dispute resolution with the Director. This means that you may be able to use family group conferences, mediation or judicial dispute resolution to try to reach an agreement with the Director.

The term "Director" is a general reference to staff (like caseworkers, assessors, casework supervisors, and managers) who investigate child protection or intervention matters, make applications to Court, and deliver services under the *Child, Youth and Family Enhancement Act*.

Before any appeal or administrative review is started, it is highly recommended that you speak to a lawyer. Appeals can be complex and are eligible only in limited and specific circumstances.

Therefore, there is a risk that court costs will be awarded against you if you lose.

ADMINISTRATIVE REVIEW

If alternate dispute resolution is not successful, an administrative review may also be pursued. An administrative review is an internal review and formal dispute resolution process. A request must be sent to the Director in writing. The person requesting an administrative review must do so within 30 calendar days of receiving the Director's decision. The request has several requirements that can be found under:

<http://www.humanservices.alberta.ca/documents/Enhancement-Act-Policy-Manual.pdf>

Who can request an administrative review?

- a child;
- a guardian;
- a foster parent;
- an individual who has had continuous care of a child for more than six of the 12 months preceding the decision of the director;
- a person who turns 18 years old, is the subject of a family enhancement agreement, custody agreement, temporary guardianship order or permanent guardianship agreement/order AND who is receiving or may be eligible to receive supports and financial assistance;
- a person who is not the guardian, but is caring for the child, and is refused financial assistance; and
- an applicant for a residential facility license or a renewal of a residential facility license.

APPEAL PANEL

If you disagree with the outcome of the Administrative Review, your case may be eligible to be heard by an Appeal Panel. The Appeal Panel reviews the decision made by the Administrative Review. The Appeal Panel is made up of people from the community who do not work for Children's Services. Your caseworker can provide you with a "Notice of an Appeal To The Appeal Panel" form.

Policy 1.4.2 of Children's Services provides more information on the Appeal Panel Process:

<http://www.humanservices.alberta.ca/documents/Enhancement-Act-Policy-Manual.pdf>

APPEAL TO THE COURT OF QUEEN'S BENCH

If you disagree with the outcome of the Appeal Panel, you may be eligible to appeal your case through the Court of Queen's Bench within 30 days of the Order being made or renewed. This appeal period cannot be extended.

Again, it is highly recommended that you speak to a lawyer before you start any appeal or administrative review.

GLOSSARY

Family Group Conference

A problem solving and case planning conference which involves family, children's services, extended family, service providers and community members.

Judicial Dispute Resolution

A confidential pre-trial settlement conference held by a judge. The goal is to come to an agreement. More info:

<http://www.justice.gc.ca/eng/fl-df/fjs-sjf/view-affic.asp?uid=88>

Mediation

A problem solving approach which includes parents, guardians, caseworkers, supervisors and other parties like children if the parties agree. It focuses on coming to an agreement. Mediation discussions are private and will not be used in court unless all parties agree. More info:

<https://www.alberta.ca/childrens-services-mediation.aspx#toc-2>



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