

I have been contacted by Children's Services

What should I do first?

Children's Services is a government agency responsible for ensuring the well-being of children and families. When you talk to anyone from Children's Services, stay calm and civil.

It is important that you seek legal advice immediately to make sure that you know your rights.

Children's Services consists of Child and Family Services as well as Designated First Nations Agencies.

Why have I been contacted?

You have been contacted because someone has raised a concern about a child in your home or care. Any person who has reasonable or probable grounds to believe that a child is in need of an intervention is required to report to a Director or Children's Services worker.

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*.

If a report has been made about possible abuse, neglect or abandonment, Children's Services can:

- open an investigation into your family;
- send a worker to visit your home, your child's school, your workplace;
- interview you, your child, your co-workers, your employer, your children's teachers, family members, etc.

Children's Services will want to determine if the child is in need of intervention and if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered.

Examples of what they look for include whether:

- the child has been abandoned or lost;
- the guardian of the child has died and the child has no other guardian;

- the child is being neglected by the guardian. Signs of neglect could include:
 - the guardian is unable or unwilling to provide the child with the necessities of life;
 - the guardian can't or won't arrange necessary medical treatment for the child;
 - the guardian is unable or unwilling to provide the child with adequate care or supervision.
- there is or has been substantial risk that the child will be:
 - physically injured;
 - sexually abused; and/or
 - emotionally injured.
- the guardian has subjected the child to or is unable or unwilling to protect the child from:
 - cruel and unusual treatment or punishment;
 - physical abuse;
 - sexual abuse; and/or
 - emotional injury.

- If you are contacted by Children's Services you can:
 - get legal advice; and/or
 - request services from Children's Services that will help you address the safety concerns in your home.

If no safety concerns are found, Children's Services will close your file. Children's Services will keep a record of their investigation.

If the Children's Services investigation finds that your children are at risk in your home, they will intervene. The level of intervention depends on the level of risk in your home and your willingness and ability to keep your child safe.

PARENT OR GUARDIAN'S RIGHTS

Parents or guardians have a right to legal counsel in child protection or intervention matters.

Guardians and biological parents have a right to be served with notice of any court application under the *Child, Youth and Family Enhancement Act* (a Judge can put limits on this right if a parent or guardian cannot be found, or if it's not clear who the biological parents are).

TYPES OF INTERVENTION

Keep Your Child at Home

If Children's Services thinks that your child is at risk, but that your home is still a safe place, they can:

- ask you to sign a Family Enhancement Agreement; or
- apply to the court for a Supervision Order.

Family Enhancement Agreement

A Family Enhancement Agreement is an agreement between a child's guardian(s) and Children's Services. It is a plan for you as a parent or guardian to follow in order to keep your child safe. It is important that you get legal advice before signing an agreement.

A Family Enhancement Agreement will say how long you have to do everything in the plan. If you follow the terms of the Family Enhancement Agreement, Children's Services may close your file.

Supervision Order

A Supervision Order is more serious than a Family Enhancement Agreement. It is a court order that gives you terms that you must abide by in order to keep your child safe. These terms can involve going for regular drug testing, attending counseling for you and/or your child, or attending domestic violence programming.

The Supervision Order usually gives Children's Services the authority to visit your home unannounced. A Supervision Order will specify the time you have to comply with the order (usually six months). You can:

- get legal advice
- oppose the Supervision Order and ask for a hearing date; and
- ask to see the Children's Services file on your family (called "disclosure").



It is important that you attend all your court dates, even if you have a lawyer. If you have not spoken to a lawyer, speak to Duty Counsel at the courthouse. You can ask the Judge for an adjournment (delay) so that you can have more time to speak to a lawyer. The Judge will make an interim (temporary) order saying where your child will live and any rules that must be followed during the adjournment.

After the Supervision Order expires, Children's Services may:

- end their involvement with your family and close their file;
- keep your file open;
- apply for another Supervision Order; or
- ask you to sign a Family Enhancement Agreement.

Remove Your Child from Your Home

If Children's Services finds that your kids are at risk and thinks that they cannot be returned to your care within a reasonable time, Children's Services can make a court application for an Apprehension Order to:

- apprehend your kids and place them in foster care or kinship care (with family, community member(s) or another significant adult in the child's life);
- apply for a Temporary Guardianship Order; and/or
- apply for a Permanent Guardianship Order.

Apprehension Order

If Children's Services thinks that your child is at risk and cannot remain in your home, they can apply to the Court for an Apprehension Order without giving you any notice. If an Apprehension Order is granted your child will not remain in your care.

If the Director cannot safely return your child to your care within 2 days of apprehension, the Director must make an application to Court for an Initial Custody Order **AND** a Supervision Order, Temporary Guardianship Order or Permanent Guardianship Order.

These applications must be heard within 10 days of your child's apprehension and you should receive notice of the application at least 2 days before the date of hearing.

The Initial Custody hearing occurs before trial. It must be decided within 42 days of apprehension and determines whether you can take care of your child until the matter is resolved at trial or if the Director will be granted custody of your child. You can request to have access to your child if the Director is granted an Initial Custody Order.

If the Initial Custody Order is not granted, your child remains in your custody until the matter is resolved. At this point, Children's Services may withdraw, amend their application to request a Supervision Order, or ask that a trial be scheduled.

From the time your child is apprehended until the Initial Custody hearing, your child remains in Interim Custody of the Director.



A Director or peace officer can apprehend your child without a court order if there are reasonable and probable grounds that your child is at great risk because of abandonment or abuse, or if your child has left the care of a guardian without consent.

Temporary Guardianship Order

A Temporary Guardianship Order allows the Director to have temporary guardianship over your child. (You can agree to a Temporary Guardianship Order) During this time, a guardian or person with a significant relationship with the child can apply to the Court, or sign an agreement with the Director, to have access to the child. The maximum period of time a child can remain in custody under a Temporary Guardianship Order is:

Circumstance	Maximum Time Period in Custody
If the child is less than 6 years old	9 months
If the child is more than 6 years old	12 months
Extension	up to 6 months

Permanent Guardianship Order

A Permanent Guardianship Order makes a Director a permanent guardian of your child and ends your guardianship over your child. A former guardian (which could include a parent) can apply to terminate a Permanent Guardianship Order if:

- the child has not been adopted;
- more than one year has passed since the appeal period for the order has expired or since an appeal was heard; and
- two years has passed from the previous application to terminate the Permanent Guardianship Order.

Apprehension

Should your child be apprehended, take note of:

- the date of apprehension;
- who was looking after the child at the time of apprehension and where; and
- the reason(s) given for apprehension.

You can:

- get legal advice;
- request the information that Children's Services has gathered on your family (called "disclosure");

Disclosure will not include the names of people who have reported you to Children's Services or the names of foster parents.

- oppose the apprehension at the Initial Custody Hearing. At an Initial Custody Hearing, Children's Services has to prove that they had a legal reason to take your children. The hearing must take place within 42 days of the first court date;
- ask to see your children; and/or
- ask to sign an Access Agreement: Your child may be subject to a Temporary Guardianship Order which is granted by a judge after a hearing. If so, a guardian or person with a significant relationship with the child can sign an agreement with the Director for access to the child.

Emergency Care

Emergency Care will be ordered if your child is in immediate danger. A Director may appoint another person to care for the child if the child's guardian cannot be located, has died or has become incapacitated. The appointed person may care for the child in their own residence for a maximum of 10 days or in the residence in which the child was found.

WILL I SEE MY CHILD?

If your child has been apprehended, it depends on the terms of the court order. The court order may state that you cannot see your child until some conditions are met (like a drug test, or Parenting Assessment, domestic violence education, etc.). The court order may say that you can see your children, but that you need to be supervised (these are known as “Supported Visits”).

It is important that you do not miss visits with your children. If you are finding it difficult to attend visits, talk to your Children’s Services worker. They can help you by changing times of visits, assisting with the cost of transportation, etc.

Supported Visits can take place out in the community, at a third party facility, a Children’s Services office or your home. A visit supervisor or support worker will often provide a written report of the visit to Children’s Services. This report will become part of the court file.

Signs of Safety is a child intervention approach that is in the process of being implemented throughout Alberta. It focuses on working with families to find resources, keep families together and reduce danger at home. You may wish to ask Children’s Services about this program.

If you feel that no one is advocating for your child's best interests, you can request for your child to have a lawyer and/or advocate. If your child is 12 or older he or she must agree.

More information is available at the Office of the Child and Youth Advocate via the Legal Representation for Children and Youth (LRCY) Office:

Toll Free No. 1 (800) 661-3446

<http://www.ocya.alberta.ca/child/>

GLOSSARY

applicant

The person who makes an applications to a court.

Family Enhancement Agreement

A Family Enhancement Agreement is an agreement between a child's guardian(s) and Child and Family Services. It is a plan for the parent or guardian to follow in order to keep the child safe.

Permanent Guardianship Order

Directs a child to be brought into the permanent care of Children's Services. A Permanent Guardianship Order ends the rights of other guardians.

Private Guardianship Order

A court order granted under the *Child, Youth and Family Enhancement Act* appointing one or more persons as guardians of a child and describing the powers and responsibilities of the guardians.

Supervision Order

Provides terms that must be followed in order to keep a child safe and allows Children's Services to support, supervise and visit the parent or guardians home unannounced.

Supported Visit

A court ordered visit with your kids, that you need to be supervised for.

Temporary Guardianship Order

Directs a child to be brought into temporary care of Children's Services. Guardianship is shared with Children's Services.

RESOURCES

Edmonton Community Legal Centre

200, 10115 – 100A Street

Edmonton AB T5J 2W2

780.702.1725

intake@eclc.ca

www.eclc.ca/child-protective-services-and-apprehension/

Child Abuse Hotline

If you suspect a child is being neglected or abused, call the Child Abuse Hotline 24 hours a day, or get contact information for your local Children's Services office by dialing 310-0000 during business hours.

Toll Free Hotline 1-800-387-KIDS(5437)

Children's Services Offices

You can find your local Children's Services office at this website: http://www.child.alberta.ca/home/local_offices.cfm

Child and Youth Rights Booklets

<http://www.humanservices.alberta.ca/abuse-bullying/15396.html>



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