

Apprehending a Child

The Child Protection Worker must apprehend a child if there are reasonable grounds to believe the child is in need of protection.

REFERENCE

NWT Child and Family Services Act, section 10(1)

PURPOSE

- To take instant action to address circumstances where a child may be in immediate risk of harm.

PROCEDURE

1. Ensure the criteria for a child in need of protection as per section 7 (3) of the *Child and Family Services Act* is met.
2. Assess the immediate safety and well-being of the child by completing the steps outlined in the *Completing a Child and Family Safety Assessment standard*.
3. Discuss the results of the *Child and Family Safety Assessment form* with the Supervisor to determine whether removal is warranted.

An apprehension of a child requires a determination that at the time of the apprehension it is unsafe for a child to remain in the care of his or her parent(s), guardian(s) or person having actual care of the child and that delivery of services will not provide immediate protection for the child.

4. Develop an investigation plan in consultation with the Supervisor as outlined in the *Reporting and Investigation section*.
5. Assess the situation by completing the steps outlined in the *Child Protection Worker Safety standard* to determine potential safety threats for staff.
6. Inform the parent(s), guardian(s), person(s) having actual care of the child at the time of the investigation and the child over 12 years of age that the child will be apprehended in order to protect the child's health and safety.
7. Explain what an apprehension is and why one is occurring along with their rights and options.

8. Explore with the parent(s), guardian(s), person(s) having actual care of the child at the time of the apprehension and the child over 12 years of age, if an apprehension can be avoided by:
 - offering supports to the family to maintain the child in the home;
 - placing the child with extended family member(s) or friend(s); and
 - entering into a Voluntary Services Agreement or Plan of Care Agreement.

If these options are unsuitable, **document** the reasons why in your investigation details and affidavit. Thereafter, consider placing the child in an extended family/provisional or a regular foster home.

9. Discuss with the parent(s), guardian(s), person(s) having actual care of the child at the time of the apprehension, and the child over 12 years of age how contact with the child will occur after the apprehension. If access is restricted or denied, the Child Protection Worker will explain why and what will need to occur to mediate the safety concerns in order for the child to return to the home.
10. Provide the information sheet titled "*My child has been apprehended, what now?*" to the parent(s), guardian(s), person(s) having actual care of the child at the time of the apprehension and the child over 12 years of age and include contact information for the Child Protection Worker for follow up purposes.

If no one is available at the location, leave the information sheet as well as contact information for the Child Protection Worker. Ensure that the parties are informed of their right to consult legal counsel as outlined in the information sheets.

11. Identify a placement resource for the child.
12. Notify the placement resource and prepare them by providing all the available information about the child by using the *Child Placement Information form*.
13. Place the child in an approved placement resource.

Notes:

Where a child who has been apprehended will attain the age of 16 years within six (6) months after the day of the apprehension, the Child Protection Worker does not need to establish a Plan of Care Committee but may instead apply to the court for a Child Protection Order.

To the extent possible, involve the parent(s), guardian(s) or the person(s) having actual care of the child at the time of the apprehension in:

- the decision to place the child in an out of home placement;

- the planning for and movement to an out of home placement; and
- helping to pack the child's belongings.

To reduce the impact of the out of home placement for the child, the Child Protection Worker must:

- Explain the plan to the child. Even young children require an explanation of what is happening to them and what the plan is for the future.
- Allow the child to bring a familiar significant possession with them, such as a stuffed animal, blanket, photos, etc.
- Let the child know about the placement resource – tell the child about where they are going.
- Arrange for the child to see his or her parent(s) or guardian(s) as soon as possible, unless it is not safe or in the child's best interests.
- Advise the child of the plan to return home or remain in care as soon as possible.

FORMS

- Child and Family Safety Assessment
- Child Protection Worker Safety Assessment
- My child has been apprehended, what now? – Brochure
- Child Placement Information
- Apprehension by a Peace Officer or Authorized Person

TOOLS

- Instructions for Completing a Child and Family Safety Assessment
- Child Protection Worker Safety Guide
- Apprehension Guide

COURT DOCUMENTS

- None