

## Notice of Right to Legal Services and Mediation

The Child Protection Worker must immediately notify the person who has lawful custody of a child or youth, and the child if the child is 12 years of age or older, during the child protection process of their right to access Legal Services and assist them in doing so.

### REFERENCE

*NWT Child and Family Services Act, section 3.1.(1), (2) and 3.2(1)*

### PURPOSE

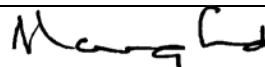
- To ensure that the rights of parent(s) and/or guardian(s), the child and the youth are respected and that they can access legal advice, translation services, alternate dispute resolution or mediation services if required.

### PROCEDURE

- Explain what the child protection concerns are and provide the following information sheets:
  - My child has been apprehended. What now? – brochure UPDATE
  - Plan of Care Agreements - brochure UPDATE
  - Dealing with Child Protection Matters in Court - brochure UPDATE
- Provide the *Legal Aid Contact List* and where appropriate the services of an interpreter for the child 12 years of age or older, parent(s) and or guardian(s) if required.
- Complete and sign the form *Notification of the Right to Legal Services*.
- Include the following in the Investigation Report in CFIS:
  - The location, time and date the notification was given;
  - A brief description of the conversation that took place at the time of notification, including any concerns or questions that the client(s) had and responses given.
- Explain to the parent(s) and/or guardian(s) and child over 12 years of age that mediation and alternative dispute resolution is an effective way of addressing child protection matters outside of the courtroom setting. Also, explain that they have the right to choose the court process as per the *Dealing with Child Protection Matters in*

Effective Date:  
April 1, 2016

Director of Child and Family Services



*Court information brochure:*

- If the parent(s), guardian(s) or child over 12 indicate that they would prefer to have their matter heard before a court rather than deal with it through the Plan of Care Committee process, request that they sign the *Written Notification of the Right to Elect to go to Court form* and include the signed copy in the file and assist them in pursuing the process.

**FORMS**

- Notification of the Right to Access Legal Services
- Written Notification of the Right to Elect to go to Court
- Election to Proceed to Court
- Plan of Care Agreements - brochure
- Dealing with Child Protection Matters in Court
- My Child has been Apprehended. What Now?

**TOOLS**

- Interviewing and Completing an Investigation
- Legal Aid Contact List

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