

## Permanent Custody Order

The Child Protection Worker must apply for a Permanent Custody Order for a child or youth believed to be in need of protection in the following circumstances:

- It is believed that a child or youth is in need of protection and that the parent(s) and/or guardian(s) are unlikely and/or unwilling to ensure the child or youth's protection, health and safety in the future.
- The child has been receiving services through a Plan of Care Agreement or under a Temporary Custody Order after the maximum extensions have been granted based on the age of the child or youth, and there is no foreseeable reunification with the parent(s) and/or guardian(s) or extended family member(s).
- The child or youth has no parent(s) and/or guardian(s) for an extended period, and extended family member(s) are unable or unwilling to care for the child.
- When a parent and/or guardian want to surrender the child or youth for adoption.
- When a youth has been declared in need of protection by the Court.

### REFERENCE

NWT Child and Family Services Act section 28(1)(d) \*child, 29.6(1)(b)\*youth & 75-87

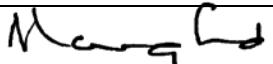
### PURPOSE

- To ensure the protection, health and safety of the child or youth.
- To provide the Child Protection Worker with the legal authority to locate an appropriate permanent home and family for the child or youth.
- To provide the child or youth with a legal parent.

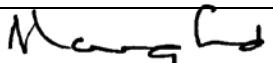
### PROCEDURE

Prior to an application seeking a Permanent Custody Order being sought, a CPW must coordinate a Permanency Planning Committee Meeting with the following representation: Director (Assistant Director or Deputy Director), Manager of Social Programs, Supervisor, Aboriginal Representative and a family member to:

1. Review the length of time a child or youth has received protective services under the care and custody of the Director of Child and Family Services;
2. Assess whether changes have occurred within the family unit which would result in the child or youth being reunified and safe if returned home;

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3. Determine whether to apply to the court requesting a Permanent Custody Order if consensus determines to be in the best interest of the child or youth.
4. Notify the Director in writing at [cfs\\_director@gov.nt.ca](mailto:cfs_director@gov.nt.ca) of the need for a Permanent Custody Order application.
5. Review the *Permanent Custody Order Application Guidelines tool* about the appropriate use of a Permanent Custody Order.
6. Complete *Birth Family Medical and Social History Form* Court Documents and *Case Plan Report* required to apply for the court order.
7. Review the Adoption Planning – Voluntary Surrender section, if the parent(s) and/or guardian(s) wish to surrender their child or youth for adoption.
8. Complete Court Documents and *Case Plan Report* as required and serve applicable documents within the timelines according to the *Service of Court Documents and Timelines Tool*.
9. Serve only a certified copy of the Permanent Custody application (Originating Notice, Notice of Motion) to the appropriate Aboriginal Organization in the case of an aboriginal child or youth) and advise that they are entitled to be present and to present evidence and make representations at the protection hearing.
10. Notify the Director in writing at [cfs\\_director@gov.nt.ca](mailto:cfs_director@gov.nt.ca) when the Permanent Custody Order was granted by the court within 24 hours and forward a certified copy of the Permanent Custody Order to the Director when it is available from the Court.
11. And where a Child Protection Order or Youth Protection Order is made granting that the child or youth be placed in the Permanent Custody of the Director of Child and Family Services, a certified copy of the Order must be provided to the:
  - Child over 12 years of age, Youth;
  - The Child's parents or youth's parents (if the identities and whereabouts of the parents are known);
  - The person having actual care of the child or the youth at the time of the protection concern;
  - The Director of Child and Family Services; and
  - The applicable Aboriginal organization.
12. Coordinate a Permanency Planning Review Committee meeting within 30-60 days after the Permanent Custody Order is granted with any key members who are involved in the child or youth's life.

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Note: When an application is made to the Court to rescind a Permanent Custody Order, please notify the Director in writing at [cfs\\_director@gov.nt.ca](mailto:cfs_director@gov.nt.ca)

## FORMS

- Birth Family Medical and Social History
- Case Plan Report
- Permanency Plan

## TOOLS

- Permanent Custody Order Application Guidelines
- Service of Court Documents and Timelines
- Case Plan Report
- Child Assessment for Adoption Placement Guide

## COURT DOCUMENTS

- Originating Notice Application for Supervision Temporary or Permanent Custody
- Originating Notice Application for Permanent Custody for Adoption Purposes
- Notice of Motion to Extend, Vary, Discharge and/or Maintenance
- Notice of Motion to Extend a TC/PCO beyond 16 years; or Discharge PCO
- Affidavit used with an application for Supervision, Temporary or Permanent
- Affidavit used with an application by Originating Notice for Permanent Custody for Adoption
- Affidavit to Extend a TCO/PCO beyond 16 years; or Discharge PCO
- Supplementary Affidavit
- Waiver of Motion
- Consent For Permanent Custody for Adoption and Affidavit of Execution
- Revocation of Consent by a Parent for Permanent Custody (Adoption) and Affidavit of Execution
- Affidavit of Service
- Affidavit of Attempted Service
- Order for Supervision, Temporary or Permanent Custody, Access and/or Maintenance
- Order for Permanent Custody for Adoption
- Order for Extension of Temporary or Permanent Order or Discharge PCO
- Case Plan Report