



## Legal Aid

Call your local Legal Aid court worker at:

Beaufort-Delta .....	977-2260
Dehcho .....	695-2106
Fort Smith .....	872-6568
Hay River and South Slave .....	874-2475
Sahtu .....	598-2762
Tlicho .....	392-6386
Yellowknife .....	920-8009
Main office .....	873-7450

## For more information:

**Child and Family Services** exist to protect and support children in the NWT and to encourage strong, healthy families.

This information is available as an audio recording in the NWT Official Languages at [www.hltss.gov.nt.ca](http://www.hltss.gov.nt.ca) or by phoning 1-855-297-5155.

Vous pouvez obtenir les présents renseignements sous format audio dans les langues officielles des TNO sur le site [www.hltss.gov.nt.ca](http://www.hltss.gov.nt.ca) ou en composant le 1-855-297-5155.

**Your Child Protection Worker**  
(attach business card here or fill in)

Name: \_\_\_\_\_

Office Number: \_\_\_\_\_

On-Call Number: \_\_\_\_\_



# Dealing with Child Protection Matters in Court



Northwest  
Territories Health and Social Services

March 2012  
[www.hltss.gov.nt.ca](http://www.hltss.gov.nt.ca)



- There are a number of reasons you might go to Court under the *Child and Family Services Act*:
  - If your child is apprehended.
  - If you decide you don't want a plan of care agreement.
  - If you want decisions to be made by a Judge.

## How do you deal with child protection matters through Court?

- Let the Child Protection Worker know. He or she can help you complete the form called an **Election to Go to Court**.
- The Child Protection Worker can also choose to go to Court. They need to give you written notice. The amount of time depends on why you will be going to Court.

## What does the Court do?

- The Court decides if an Apprehension or Child Protection Order should be granted.
- The Court decides whether or not your child is in need of protection and for how long.
- The Court may also decide whether your child should be supervised in your home by a Child Protection Worker, or whether they need to be taken into temporary or permanent custody.

- The Court can decide to return the child.
- If the child is in need of protection, a **Court Order** is issued that explains what the Court has decided.

## The Court Order may include:

- Who can visit the child.
- Other directions that must be followed.

## Who can be involved in the Court process?

- You
- Your lawyer (if you cannot afford a lawyer, contact Legal Aid)
- any other parents or people with lawful custody of your child
- A Child Protection Worker
- Your child (if they are 12 years or older)
- Members of the Plan of Care Committee if there was one
- A member of your community Child and Family Services Committee if there is one

If your child is First Nations, Inuit or Métis, their Aboriginal organization will be notified of the Court date and the application for a Child Protection Order.





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## For more information:

Child and Family Services exist to protect and support children in the NWT and to encourage strong, healthy families.

For more information about any of the Child and Family Services programs, please contact us at your local Health and Social Services office.

To speak to someone at the Department of Health and Social Services, call toll-free

**1-855-297-5155**

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Name: \_\_\_\_\_

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# Plan of Care Agreements



Northwest  
Territories Health and Social Services

March 2012  
[www.hss.gov.nt.ca](http://www.hss.gov.nt.ca)



## What is a Plan of Care Agreement?

- A **Plan of Care Agreement** is a signed agreement between you and the Child Protection Worker (social worker) to solve any risks or dangers to your child.
- A Plan of Care Agreement (POCA) may be used if there is a child protection issue but it is believed that it can be resolved without Court.
- In a Plan of Care Agreement, a group of people called a Plan of Care Committee work together to try to help resolve any risks or dangers to your child.
- The Plan of Care Committee works with you and your family to put together the Plan of Care Agreement.

## What if I don't want a Plan of Care Committee?

- If any time you don't want to participate in a Plan of Care Committee, you can ask to go to Court. A Child Protection Worker can help you fill out the forms needed for this.

## Who will be on the Plan of Care Committee?

- You
- Any other parents or people with lawful custody of your child
- Your child (if they are 12 years or older)

- A Child Protection Worker
- A member of your community Child and Family Services Committee, if there is one
- You may also ask for others including your lawyer, to attend committee meetings to support you
- Any other person agreed to by the Plan of Care Committee members

## How much time does the Plan of Care Committee have to create an Agreement?

- The Plan of Care Committee has 23 days to develop a plan from the time an issue is identified or your child is apprehended.
- If it is not signed within this time, the Child Protection Worker must bring the matter to Court.

## What is in a Plan of Care Agreement

- The agreement can be for any set amount of time from a month up to a year. After a year they can be amended or renewed as needed.
- Plan of Care Agreements may include direction about where and with whom a child may live, services to make the home safer, counselling, access to the child, and the child's education, recreation and social activities.

**IF YOU WANT HELP AT ANY TIME  
DURING THE PROCESS CALL LEGAL AID.**



## Section 7 – Placement Services

## Tool 6.12.1

# Case Plan Evaluation and Assessment

Case Plans acknowledge the need for support and provide the direction, timelines and plans for that support. Revisiting each Case Plan regularly provides the opportunity to evaluate goals in relation to achievements, determining changes in the family's situation and requirements for Case Plan updates.

## Evaluation

Evaluating Case Plans helps to determine the child/youth's safety and whether activities and timelines are being met. Through the evaluation process, the Child Protection Worker/Designate (including Authorized Persons, or Supervisor/Manager) can assess the effectiveness of the Case Plan concerning the family achieving the desired goals and reducing any potential risks towards the child/youth.

The evaluation must be done throughout the process of providing services. This evaluation process is an ongoing process that assists the Child Protection Worker/Designate in providing relevant and needed services to the family. Consider questions such as:

- Is the concern still apparent?
- How does the family feel about things that have happened as a result of the Case Plan?
- Are they hopeful about whether change is possible?
- How do they feel about the Case Plan as it stands, and what do they think should change, if anything?
- What results or changes have occurred because of the Case Plan?
- What updates do you believe are required for the Case Plan?
- Are there significant changes in the situation, such as changing the level of risk to child/youth to require a review?

## When Progress is Hindered

From time to time, individual goals will be difficult to accomplish. When progress is hindered, it is useful to apply these rules:

1. If what you are doing doesn't work, don't do it again; do something different.
2. Once you know what works, do more of it.
3. Consider another perspective, consult with the Supervisor/Manager and peers.

Further, if the responses lead to a lack of progress, in collaboration with the family (extended family, Aboriginal Organizations, Indigenous Governing Bodies and other cultural organizations (if applicable)) determine:

- If the assessment of the family is accurate.
  - *Ask yourself: What works for safety? What works against safety? How does the family's support system (formal and informal) support the Case Plan?*



## Section 7 – Placement Services

### Tool 6.12.1

- If the timelines and expectations are realistic.
- If everyone understands what is written in the Case Plan and assess whether the tasks are appropriate and useful in achieving the outcome.
- What changes are required in the Case Plan for the family to reach the goal(s)?
  - *Ask yourself: Who is the agent of change? Who is able to change? Who wants to change? What is the benefit of changing?*
- If the participants are completing the tasks outlined in the Case Plan and if not, what are the barriers to completing them and the consequences of not completing them?
- If everyone believes the required changes can be made.
- If new concerns and/or challenges have surfaced that increase risk to the child/youth and determine what needs to be added to the Case Plan to address the concerns.

You must assess whether you believe the family can make changes considering the child/youth's safety and best interests. What has changed in the situation and its impact on the family's ability to make the required changes (e.g., employment, finances, interest in making change, physical or intellectual abilities)?

Your reassessment of the situation and Case Plan should consider:

- Any noted new concerns and/or challenges.
- Whether the current safety plan works for the family, and if not, what needs to happen to ensure the child/youth's safety?
- Other service needs that have arisen since the previous evaluation and assessment.
- The family's lack of progress on addressing the issues despite the intensive support/services put in place and long-term planning for the child/youth.
- Whether all other case management standards are being met.

Following your evaluation of the current Case Plan, you need to decide the next steps:

- Change and update the Case Plan or close the file.
- If an out-of-home placement is required, identify the best place for the child/youth and their long-term plan.



## Case Closure Guidelines

Adapted from *the Yukon CFSA Policy Manual (2012)*.

The casework process with the family and child over 12 years should illustrate what steps are in place to address the child protection concerns, mitigate risks as well as to provide support services.

### Decision to Close a Case

The decision to close a case is based on a thorough examination of the family circumstances.

When deciding to close a case, you must:

- Consult with your Supervisor about the progress of the case.
- Review the case plan progress with the family and child over 12 of age.
- Determine that the child is no longer in need of protection as per section 7 (3) of the *Child and Family Services Act*.
- Determine that the child and/or the youth over 16 years of age are no longer in need of voluntary support services as per sections 5 (1) and 6 (1) of the *Child and Family Services Act*.
- Ask yourself the following SAFETY questions:
  - Have the safety concerns been addressed by the parent(s) and/or guardian(s)?
  - Has there been a significant change in the family to address safety?
  - Has the parent(s) and/or guardian(s) been able to show the capacity to maintain the safety of their child?
  - Has the youth over 16 years of age been able to show the capacity to care for him or herself?
  - Has the parent(s), guardian(s) and/or youth over 16 years of age, shown that they are capable of making decisions and solving their problems?
  - Can the parent(s), guardian(s) and/or youth over 16 years of age, predict future challenges to safety and well-being as well as have the skills to address these challenges?

The following criteria can be used to justify case closure:

- The family and child over 12 years of age, successfully completed the goals/tasks of their case plan.
- The family and child over 16 years of age can demonstrate that they can function at a minimally acceptable level based on family and community standards.

- The parent(s) and/or guardian(s) refuse to accept support services and there is not enough evidence for court intervention or the court has dismissed your application.
- The parent(s), guardian(s) and/or youth over 16 years of age are not fulfilling their responsibilities in the Voluntary Support Agreement and/or Support Services Agreement.
- The parent(s), guardian(s) and/or youth over 16 years of age cancel the Voluntary Support Agreement and/or Support Services Agreement.
- The family is not making any further progress, and the current risk factors are low.
- The family has moved out of the territory. In this situation, please consult with your Supervisor to determine if the Department of the Health and Social Services, Interprovincial Coordinator needs to submit an interprovincial alert to the receiving province.



## Confidentiality and Disclosure

You must inform all Plan of Care Committee members that during the course of their meetings to develop a Plan of Care for a specific child and his or her family, they will hear sensitive information about the family; therefore it is paramount that this information be kept confidential. The *Child and Family Services Act* sections 70-73 states that any person who receives or obtains any information about a child and/or their family (both orally and/or in writing) under the *Child and Family Services Act* **cannot** share that information with anyone, except in certain circumstances. Confidential information may only be shared in the situations listed below:

1. Where necessary to be able to carry out duties as a Plan of Care Committee member;
2. With the written consent of the child and/or family;
3. When giving evidence in court;
4. On the order of a court;
5. Where you are appointed by the Minister to conduct an investigation on a child care facility or foster home;
6. When requested by the Minister of Health and Social Services, the Director or Assistant Director of Child and Family Services, a Child Protection Worker, or an authorized person;
7. When requested by an RCMP Officer, if failure to disclose the information urgently would likely cause serious emotional or physical harm to a person;
8. Where a disclosure is required for the purposes of the *Act*, or to protect a child; e.g.; to make a report of child protection concern;
9. Where necessary for the provision of care, counselling, or education for the child; or
10. Where, in the opinion of the Minister of Health and Social Services, the benefit of releasing the information would clearly outweigh the invasion of privacy.

Furthermore, it's important you inform the Plan of Care Committee members that if they are required to disclose any information as described above, this does not mean that they can share the information with anyone else. It can only be shared in a situation described above; otherwise it remains confidential.

Written confidential information may only be circulated at meetings of the Plan of Care Committee. At the end of the meeting, all documents must be returned to the person who brought the information.

Any person, who shares any of the information learned because he or she is a Plan of Care Committee member is **guilty of a crime and may be fined up to \$5,000.00, be sent to jail for up to six (6) months, or both.**

**NOTE:**

If a child who is part of the Plan of Care Committee shares information that he or she learned in a Plan of Care Committee, he or she will **not** be guilty of a crime.

## **Differences between Plan of Care Committee and Court Processes**

A Plan of Care Agreement can be put in place more quickly than a court ordered Case Plan Report.

A Plan of Care Agreement comes into effect as soon as the Plan of Care Committee agrees on a Plan of Care for family and child. When there **is no** Child and Family Services Committee in the child's community, a Plan of Care Agreement must be in place within 23 days of the report of the protection concern to the Child Protection Worker. When there **is** a Child and Family Services Committee in the child's community, the process may be extended to seven (7) days if there is difficulty in establishing a committee or agreeing on a Plan of Care.

When you choose to go to court instead of participating in the Plan of Care Committee process, the first appearance in court must be within 45 days of a report to a Child Protection Worker of a protection concern or when the child was apprehended.

The Plan of Care Committee process gives the family and child influence over decisions made about membership on the Plan of Care Committee. When a child protection case goes to court, the *Act* sets out that certain people are to be informed about the case and provided with court documents. For example, when a child who belongs to a Northwest Territories Aboriginal organization is involved in a child protection matter, that Aboriginal organization must be notified when the case is going to court.

In the Plan of Care Committee process, the members work together to develop and sign a Plan of Care Agreement for the family and child. In court, although you may make recommendations, the Justice of the Peace or Judge will make the final decision on the Case Plan Report. Furthermore, because of the adversarial nature of court, it may impact your relationship with the family and child.

If a change needs to be made to a Plan of Care Agreement, committee members are required to give ten (10) days written notice to the other members of the Plan of Care Committee to meet to discuss the changes. However, a court ordered Case Plan Report can only be changed by applying to the court to alter the existing order.

The Plan of Care Committee process provides an opportunity for you, the family, child, extended family and other community members to be involved in the process of resolving issues around the protection concern and encourages people to work together for the best interests of the child. If you believe the family and child needs help, and are willing to work through the issues with you, the Plan of Care Committee process may be the best option for them.

If the family and child don't believe that a protection concern exists or don't think they can participate fully in the Plan of Care Committee process, the court process may be the option. It's important to encourage them to speak with legal counsel to help them decided which choice is right for them and their family.



## **Guidelines for a Plan of Care Committee**

The purpose of the Committee is to develop a Plan of Care Agreement for a specific child and his/her family. It is **not** a process for deciding whether a child is in need of protection.

### **General Guidelines for Plan of Care Committee**

The Child Protection Worker must arrange for a Plan of Care Committee meeting and the Plan of Care Agreement must be developed, agreed upon and signed **no later than 23 days** after receiving a referral on a child or family. As soon as a time and place for the meeting is decided, written notice must be sent to following core members:

- at least one parent and/or guardian;
- the Child Protection Worker;
- a Child and Family Services Committee member, if one exists in the child's community; and
- the child there are protection concerns about, if the child is 12 years of age and older.

For a meeting of the Plan of Care Committee to be valid, the first three (3) people listed above **must** be present, either in person or by telephone. You may also have:

- interpreters, if requested by any of the core members; and
- support people, if requested by the parent(s) and/or guardian(s) or child.

### **Guidelines for the First Meeting**

1. Call meeting to order.
2. Explain the purpose, powers and duties of the Committee.
3. Explain confidentiality as per the Confidentiality and Disclosure form.
4. Elect a chairperson.
5. If there is an extended family member who lives in the community and the majority of the Plan of Care Committee members feel it is appropriate, he or she should be asked to join the Committee.
6. If there are any other people that the majority of the Plan of Care Committee members agree should be invited to sit on the committee, those people should be asked to join.

7. Decide upon how members will be notified of future meetings.
8. Decide how a record of the meetings will be created; e.g.; written, tape recorded, etc.
  - A written record of the minutes must be placed on the child's file.
9. Begin developing of the Plan of Care Agreement:
  - What are the protection concerns?
  - What are the resources available to the child and family in the home, in the community and from other relatives?
  - Determine date of the next meeting.

**Duties of the Chairperson**

1. Chair the meetings of the Plan of Care Committee.
2. Set the time and place for meetings of the Plan of Care Committee.
3. Explain the purpose, powers and duties of the Plan of Care Committee.
4. Explain the confidentiality guidelines at the first meeting and whenever a new member joins the Committee.
5. Ensure each Committee member signs an Oath of Confidentiality form.
6. Assign a member to take minutes of the meeting.
7. Invite additional members, as decided by the core members.
8. Receive notice from a Child Protection Worker that a member is ineligible to continue to sit as a member of the Plan of Care Committee.
9. Notify the member of his or her ineligibility and notify the Child Protection Worker who established the Plan of Care Committee that the member was notified of his or her ineligibility.
10. Receive notice from adult members who are **unable** or **unwilling** to continue to sit as members of the Committee and notify the Child Protection Worker.
11. Provide copies of all notices to and from the Chairperson to the Child Protection Worker for placement on the child's file.

## **Guidelines for Decisions, Decision Making and Record Keeping**

### **Decisions**

The Child Protection Worker and parent(s) and/or guardian(s) must agree with decisions made by the Plan of Care Committee.

Decisions must be supported by a majority (over half) of the committee members.

### **Record Keeping**

Committee decisions about the Case Plan for the Plan of Care Agreement and the reasons for those decisions must be documented. This includes writing down changes, extensions or modifications of terms, and the reasons for those changes.

Documentation must be made available to members at each meeting.

All documentation must be kept on the child's file.

## **Guidelines for the Plan of Care Agreement**

Committee members will discuss the family situation presented by the Child Protection Worker and collaborate on the development of a Case Plan to improve the situation. Members will contribute their knowledge of the child's situation identify and examine options such as resources possibly available to the child.

- Use the Plan of Care Agreement form document the Case Plan decided on by the committee.
- Include a review date for the Case Plan in the Plan of Care Agreement.
- Specify in the Plan of Care Agreement who will be responsible for implementing each part of the plan.
- Ensure the Agreement is signed by all members must indicating their agreement or disagreement and commitment to the plan.
- Ensure interpreters, when used; sign the Agreement indicating they have translated/interpreted all information as accurately as possible.
- Provide copies of the signed Agreement to the parent(s), guardian(s), and child as well as place a copy on the child's file.

### **NOTE:**

The parent(s), guardian(s) or a child 12 years of age or older, may at any time **before** a Plan of Care Agreement takes effect, request in writing, the Plan of Care Committee not be established, or if established, be dissolved, stating they wish to have the matter proceed to court.

An agreement may not exceed 12 months. The term of the Plan of Care Agreement together with any extensions may not exceed 24 months.

Any person who has signed the Plan of Care Agreement may, with ten (10) days written notice to all members of the Committee, ask the Committee to review the Agreement. The term or any condition of the Agreement can be altered with the consent and approval of the majority of the Plan of Care Committee such as the parent(s), guardian(s) and the Child Protection Worker.

Where the term of the Plan of Care Agreement is extended beyond 12 months, the Plan of Care Committee shall review the agreement every three (3) months.

A Plan of Care Agreement is not considered expired if, within a reasonable time after the expiration of the Agreement, a majority of the members of the Plan of Care Committee agree in writing that it is in the best interests of the child to extend the Agreement. The parent(s), guardian(s) and the Child Protection Worker must also agree to the changes in order for it to be approved.

The Child Protection Worker or parent(s) and/or guardian(s) of the child may terminate the Plan of Care Agreement ten (10) days after giving written notice to the Chairperson.

If the Child Protection Worker believes that the termination of the agreement will result in the child named in the Agreement requiring protection, the Child Protection Worker will, without delay, apply to the court for a declaration that the child needs protection.

### **When to Dissolve or Terminate a Plan of Care Committee**

- A Plan of Care Committee may be dissolved when:
- a parent and/or guardian of the child or the child, 12 years of age or older elect to go to court after a Plan of Care Committee has been established;
- there is no longer a protection concern;
- a core member cannot be replaced;
- the Plan of Care Agreement has expired;
- the Plan of Care Agreement is terminated by the parent and/or guardian or the Child Protection Worker; or
- a Committee does not sign a Plan of Care Agreement within 23 days of the date the Child Protection Worker received the report.

### **When a Child and Family Services Committee *Does Not Exist***

Where there is no Child and Family Services Committee in a community, the Plan of Care Committee must meet, develop and sign the Plan of Care Agreement **within 23 days**. If the Plan of Care Committee process is unsuccessful, the Child Protection Worker must present the matter in court without delay.



**When a Child and Family Services Committee *Exists***

Where there is a Child and Family Services Committee in the child's community and the first attempt to establish a Plan of Care Committee is unsuccessful, the Child Protection Worker will notify, **without delay**, the Chairperson of the Child and Family Services Committee and ask the Committee attempt to establish a Plan of Care Committee. If the Plan of Care Committee process remains unsuccessful after **seven (7) days**, the Child Protection Worker must present the matter in court without delay.

**Extension of Plan of Care Agreement**

If the Plan of Care Agreement has expired, the Committee can, within a reasonable period of time, choose to extend the terminated Agreement by completing the Extension of Plan of Agreement and/or Modification of Plan of Care Agreement forms and placing them on the child's file.

**Guidelines on Ineligibility**

It is the Child Protection Worker's responsibility to determine whether or not a proposed member is ineligible to sit as a member of the Plan of Care Committee.

This does not apply to a child 12 years and older who is a member of the Committee.

Ineligibility must be determined for core and additional members of the Committee before members are invited to attend a meeting.

Ineligibility criteria are based on section 17 of the *Child and Family Services Act*.

A person cannot be a member of the Committee if they are currently the subject of a child protection report, investigation, Plan of Care Committee or court order. As well, if the investigation has led to a report to the RCMP and the person is currently under investigation by the RCMP for this matter, the person is not eligible to sit on the committee.

**Leaving the Plan of Care Committee**

All members who are **unwilling** or **unable** to continue to be members of the Plan of Care Committee must provide written notice to the Chairperson.

The Chairperson must notify the Child Protection Worker or Child and Family Services Committee that established the Committee resignation notice has been received from an adult core member.

The Child Protection Worker and the Child and Family Services member of a Plan of Care Committee must provide the name of a proposed replacement when they resign from a Plan of Care Committee. The Child Protection Worker must consult with his or

her Supervisor who will approve the substitute Child Protection Worker.

The Chairperson of the Plan of Care Committee must notify the Child Protection Worker of the recommended substitute Child and Family Services member and notify the Child and Family Services member of the recommended substitute Child Protection Worker member.

An adult core member of the Committee may be removed from the committee if he or she has not attended two (2) or more meetings, providing that the majority of members are in agreement. The Child Protection Worker or Child and Family Services member who established the Committee notify him or her of his or her removal.

A non-core member of the Plan of Care Committee may be removed from the committee if he or she has not attended two (2) or more meetings, providing that the majority of members are in agreement. The Committee would select a member to notify the person of his or her removal

## Items that may be Included In a Plan of Care Agreement

### **Plan of Care Agreements may include:**

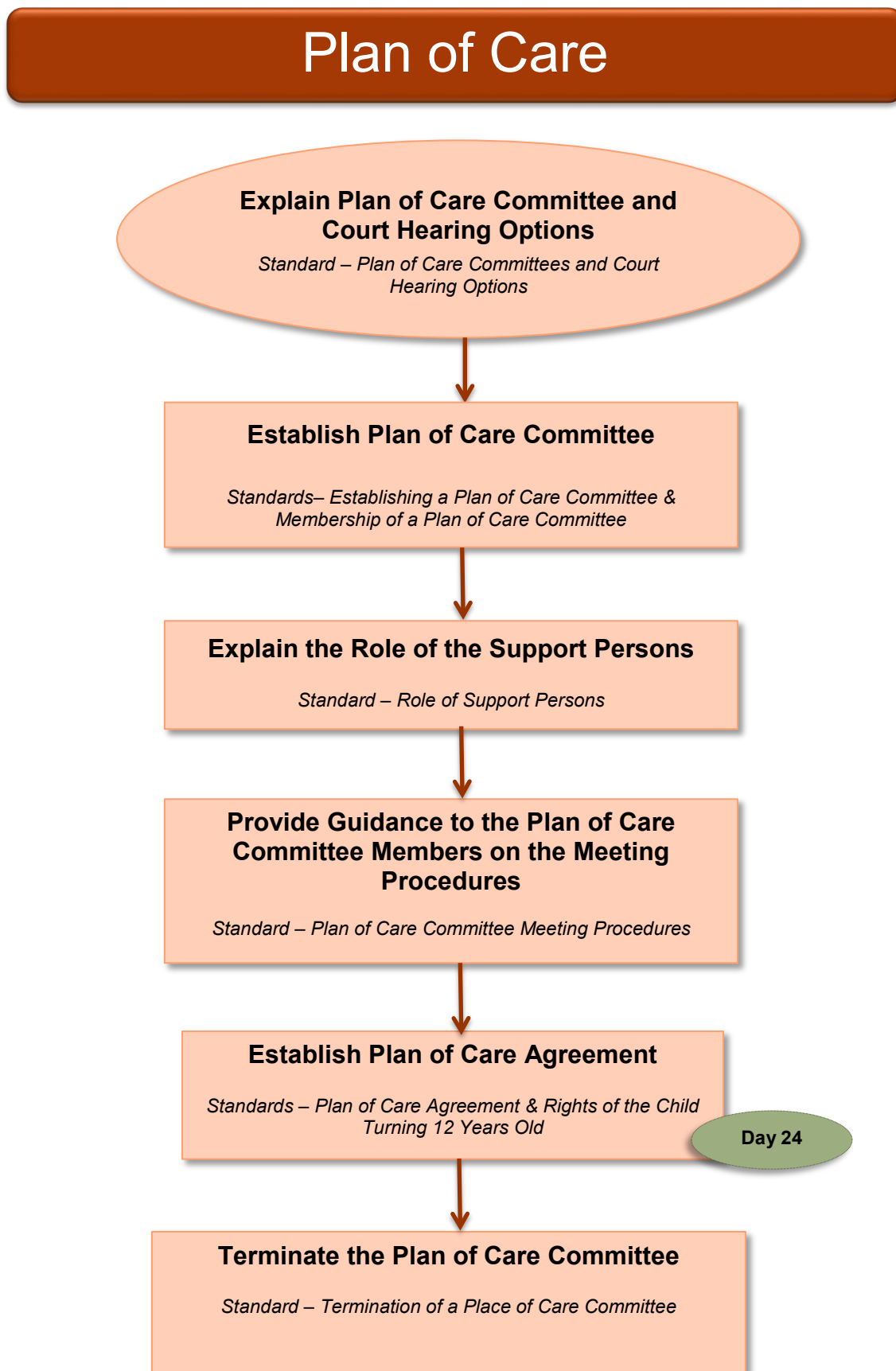
- Where and with whom the child will live;
- Support services required to make the child's home safe for the child;
- Counselling services required for whom;
- Access to the child by the parent(s) and/or guardian(s), if the child will not be living with that person;
- The child's education;
- The child's social and recreational activities;
- Responsibilities of persons listed under the *Child and Family Services Act* section 15(2)(a), (c), (d) or members of a Plan of Care Committee under the *Act* section 15(3.1);
- A person named in the Agreement who has the rights and responsibilities of a parent and/or guardian with respect of the child during the term of the Agreement;
- Support for the child by a parent and/or guardian under *NWT Children's Law Act* during term of the Agreement; and
- Any other matter that the Plan of Care Committee considers necessary and in the best interests of the child. This may include but is not limited to:
  - emotional support;
  - parenting programs;
  - alcohol and drug programs;
  - assistance to improve the family's housing or financial situation;
  - respite care;
  - in home support;
  - mediation;
  - services to support the family when a family member is ill;
  - anger management;
  - child care; and/or
  - additional programs or services.

**NOTE:**

The Child Protection Worker will provide a copy of the Authority's list of community resources to Plan of Care Committee members.

The Authority approval process must be followed for resources not on the community resources list (above).





## The Court Process

The only option for resolving a child protection matter under the *previous Child Welfare Act* was to take the matter to court. Under the current *Child and Family Services Act*, there are two options. First, you have the choice to either participate in the Plan of Care Committee process or to have the matter presented in court. The court process places the decision making powers in the hands of the legal system through the Justice of the Peace or Judge. These two authorities make the final decision about whether or not the child needs protection and what is required to ensure the health and safety of the child is maintained. On the other hand, the Plan of Care Committee process places the decision making powers in the hands of concerned community members.

### **How does a child protection case end up in court?**

If the parent(s), guardian(s) or the child, 12 years of age or older decide that they do not want to participate in the Plan of Care Committee process or to continue to participate in the process, they may choose to have their matter heard in court by making an “election” to go to court. You, as the Child Protection Worker, can also choose to take the matter to court.

### **What Is an Election?**

An “election” is the formal name given to a written statement that is completed and signed by the parent(s), guardian(s) or child, 12 years of age or older to request that their child protection matter be handled by the court. When a parent, guardian or child decides they want their case to be presented in court, they must inform you and then complete an Election to Proceed to Court form. You can help them complete the form. Once the form is completed, you must initiate the process of taking the matter to court.

It only takes one person; the parent(s) and/or guardian(s) or the child, to elect to go to court for the matter to proceed. Once an election to go to court has been made, the Plan of Care Process ends.

### **Who will be involved in the Court process?**

Once a decision to go to court has been made, a copy of the Originating Notice or Notice of Motion and Affidavit will be provided to those people identified in the *Act* including:

- the parent(s) and/or guardian(s);
- the child (if 12 years or older);
- members of the Plan of Care Committee, if one was established;
- a member of the Child and Family Services Committee, if one exists in the child's community;
- the Aboriginal organization, if the child is Aboriginal from an applicable organization in the NWT; and
- the Child Protection Worker.

These documents outline the details of the case and provide the date, time and location of the court hearing where the Justice of the Peace or Judge will hear the details of the case. The first court appearance must take place within 45 days from the time the Plan of Care Committee process was dissolved or a report of a protection concern was made to the Child Protection Worker.

### **What happens in Court?**

When a matter goes to court, either by election or because the Plan of Care Committee process did not result in a signed Plan of Care Agreement, the people involved will have a chance to tell their story to the Justice of the Peace or Judge. At the hearing, you will begin by explaining why you believe the child needs protection. Other people, including the parent(s) and/or guardian(s), the child, 12 years of age and/ or older and anyone else who has the right to speak, can then provide their comments. If the Justice of the Peace or Judge agrees that the child's wellbeing or safety is at risk, he or she will find the child in need of protection.

Once the Justice of the Peace or Judge has found a child to be in need of protection, he or she will hear from the people involved in the hearing about what they believe would help the child and family to resolve the concerns. The Justice of the Peace or Judge will consider this information and issue an order outlining roles, rights and responsibilities of all parties involved. The order may include information about access to the child, medical authority, financial considerations and the services required. In some cases the order may even refer the matter back to the Plan of Care Committee.

### **Who will be in the Court Room when the case is discussed?**

People who have received a copy of the court documents explaining why the child is believed to need protection may be at the court hearing and may request the opportunity to provide input into the Case Plan Report. This includes members of a Plan of Care Committee, or someone who was eligible to become a member of the Plan

of Care Committee, as well as a member of a Northwest Territories Aboriginal organization if the child is Aboriginal and eligible for membership in that organization.

**In Closing...**

If the parent(s), guardian(s) and child, 12 years of age or older don't believe that a protection concern exists or don't think they can participate fully in the Plan of Care Committee process, the court process may be the option for them. It's important to encourage them to speak with legal counsel to help decide which choice is right for them and their family.



## **Timelines for a Plan of Care Agreement**

- The initial term of a Plan of Care Agreement must not be longer than 12 months.
- The Plan of Care Agreement may be extended, but the total term of the Agreement cannot be longer than 24 months.
- If you or the parent(s), guardian(s) or child, 12 years of age or older wants to terminate the Agreement, ten (10) days written notice must be provided to all Plan of Care Committee members.