



- You can speak with a lawyer for advice at any time. If you can't afford a lawyer, contact **Legal Aid**:

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.hlthss.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.hlthss.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: _____



My child has been apprehended. What now?



What does apprehension mean?

- An apprehension means your child has been removed from your or another parent or guardian's care.
- A Child Protection Worker (social worker) or an RCMP officer believes your child's health or safety is at risk or in danger.
- Your child is temporarily in the care of the Director of Child and Family Services until the Court decides otherwise or an agreement is made with the Child Protection Worker.

What happens next?

Within 3 days (72 hours)	If there is no ongoing risk or danger found, your child is returned OR If there is an ongoing risk or danger, the Child Protection Worker must make an application to the NWT Court for an Order confirming the apprehension.
Within 4 days	The application for an Apprehension Order must be in Court.
Within 9 days of filing for an Apprehension Order	An Apprehension Hearing must take place.

**YOU HAVE THE RIGHT
TO CONSULT WITH A LAWYER.
IF YOU WANT HELP AT ANY TIME
DURING THE PROCESS CALL LEGAL AID.**

If you need to, you can ask the Judge for more time to get and meet with a lawyer.

Once the apprehension hearing takes place, the judge will decide whether or not to confirm the apprehension.

If the apprehension is not confirmed, it means your child is not found to be in need of protection and he or she will be returned.

If the apprehension is confirmed, it means your child is found to be in need of protection. Your child will usually remain in the custody of the Director of Child and Family Services until the risk or danger is removed. You and your Child Protection Worker will need to decide whether to enter into a Plan of Care Agreement or go back to Court.

What should I do?

- Ask any questions that you have – it is your right.
- You can ask for help – from Child and Family Services, from your family, from your friends or from your community.
- If your child is not returned to you within 3 days, you must be provided with information from the Child Protection Worker, including:
 - a copy of the Application for the Apprehension Order:
 - information about how to participate in Court
 - what to expect
 - when Court will be, and
 - other instructions
 - a document listing the facts, called an Affidavit.
- If you do not receive all of this information, ask for it from the Child Protection Worker. You can also ask to have it explained to you.

Apprehending Children at Birth

- You can apprehend a child at birth if you believe that the child is in need of protection. Some situations include:
 - Long history of child protection concerns and/or involvement with the family.
 - Consuming alcohol during pregnancy and there is no indication that the drinking has stopped.
 - There are sexual and/or physical abuse allegations in the home.
- If you decide to apprehend, you may have to consider whether the grounds in Section 7 (3) of the *NWT Child and Family Services Act* apply immediately at birth, or when the child is released from the hospital.
- Historical involvement with the child's parent(s) is not reason enough to apprehend a child at birth; there must be demonstration of circumstances at the present which would cause the infant's immediate health and/or safety to be at imminent risk.
- You also need to take access into account, especially if the mother is nursing the child.
- If you have any concerns, consult with your Supervisor and/or a Child and Family Practice Specialist at the Department of Health and Social Services.

Apprehension Guide

Who Can Apprehend: (Authorized Persons)

1. An Appointed Child Protection Worker
2. Director/Deputy Director of Child and Family Services
3. Assistant Director of Child and Family Services
4. Any person authorized by the Director
5. RCMP Officer

While investigating child protection concerns, a Child Protection Worker or other authorized person can enter a place at any time without a warrant, using force if necessary to enter if they are of the belief that a child's health or safety is in question (Section 33 of the *Child and Family Services Act*).

The Child Protection Worker or authorized person will assess if the child needs to be apprehended based on the child protection concerns, which has put the child in imminent danger. Community culture, value and beliefs must be taken into consideration when making the determination that the risk to a child is of such severity that an apprehension is needed for the child's safety.

The Child Protection Worker or authorized person will inform 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 that an apprehension is occurring to protect the child's health and/or safety. The Child Protection Worker or authorized person will explain what an apprehension is as well as their rights and options during this process.

The Child Protection Worker or authorized person will ask 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 there is a family or community member who could provide short-term emergency care for the child while they are under apprehension status and until further arrangements can be made. The apprehension may be made under circumstances that would be alleviated by a family or community member being able to come and stay in the home allowing the child to remain in their own environment (e.g. when concerns are in regards to caregiver intoxication or lack of supervision). Child Protection Workers should use available means to allow the child to remain at home while alleviating the child protection concerns.

The child being placed under apprehension status needs to be physically seen, taken into custody and placed in an appropriate home (e.g., extended family or a regular foster home).

The Child Protection Worker or authorized person will advise the parent(s), guardian(s),

person(s) having actual care of the child at the time of the apprehension and children over 12 years of age if access to the child will be restricted for the health and safety of the child. If access is restricted or denied, the Child Protection Worker or authorized person will explain why and what will need to occur to mitigate the safety concerns in order to regain access.

The Child Protection Worker or authorized person will leave the information sheet titled *“My child has been apprehended, what now?”* in the residence which advises that the child has been apprehended and includes contact information for the local health and social services authority where the parent(s) or guardian(s) can follow-up with the Child Protection Worker or authorized person.

In addition, the Child Protection Worker or authorized person will leave additional information sheets about options available to the parents or guardian(s) such as Child and Family Services Committees, the Plan of Care Process, and the Court Process, where applicable. This information should be provided even if the parents are present at the time of the apprehension.

If the authorized person is not an appointed Child Protection Worker, the authorized person must contact a Child Protection Worker as soon as possible following the apprehension to inform them.

Within 24 hours of the apprehension, the authorized person must submit the Apprehension by Authorized Person form to the Child Protection Worker.

The Child Protection Worker will document follow-up visits and communication with the parent(s), guardian(s) or person(s) having actual care of the child at the time of the apprehension, following the removal and where appropriate, return the child within 72 hours. If this is not possible, the Child Protection Worker will make an application to the court for an Apprehension Order as per the attached timeline. While at the apprehension hearing, it's important that you document in your Affidavit, the requirements of the **“Two Part Test”**, which states:

Where a court determines that:

- a) **Currently**, there are reasonable grounds to believe that the child needs protection, and
- b) The person who apprehended the child had, **at the time of the apprehension**, reasonable grounds to believe the child's health or safety would be in danger if the child were returned to a person having lawful custody of the child, the court will make an order confirming the apprehension.

If this test is not met, your application to confirm the apprehension will be dismissed by the court. A dismissed apprehension requires the child to be returned immediately.

Once the apprehension has been confirmed, the Judge will make an Order, which must not include provisions respecting the **placement** of the child; however an Order may include terms regarding access to the child. Where the “**Two Part Test**” has not been met, the court will **dismiss** your application. Lastly, an Apprehension Order remains in effect until:

- a) 45 days pass;
- b) A Child Protection Order is made or an application for a Child Protection Order is **withdrawn** or **dismissed**; or
- c) A court orders otherwise.

After the Apprehension Order has been obtained, the following options are available to the child and family:

- The child remains in the custody of the Director of Child and Family Services.
- If the child remains in the custody of the Director, you have the option of either working with the family through a Plan of Care Agreement or through a Child Protection Court Order (Supervision, Temporary or Permanent Custody Orders).
- If the Plan of Care Agreement was not developed and agreed upon after 23 days from the report, you will need to seek a Child Protection Order.
- A child over 12 years of age, parent and/or guardian may also elect to go to court instead of addressing the child protection concerns through a Plan of Care Agreement.

APPREHENSION CHECKLIST:

<input type="checkbox"/>	• <u>Determine</u> that apprehension is necessary to ensure the safety and health of the child
<input type="checkbox"/>	• <u>Advise and explain</u> to the parent(s), guardian(s), person(s) having care and child over 12 years of age that an apprehension is occurring
<input type="checkbox"/>	• Inquire about <u>extended family or community placement</u>
<input type="checkbox"/>	• Inquire about <u>medical needs, medication and other needs</u>
<input type="checkbox"/>	• Inquire about <u>the child's belongings/special items</u> that can be taken with them
<input type="checkbox"/>	• <u>Explain to the child</u> what is happening in age-appropriate language
<input type="checkbox"/>	• Take the child to an approved placement (<i>i.e. extended family or provisional foster home</i>)
<input type="checkbox"/>	• Complete the <u>Child Placement Information form</u> and provide to the foster parent(s)
<input type="checkbox"/>	• Explain to the child what he or she can expect to happen next
<input type="checkbox"/>	• Continue the investigation and document attempts to <u>follow-up with the parent(s), guardian(s) or person(s) having actual care</u>
<input type="checkbox"/>	• If the child is not returned within 72 hours, proceed to <u>Apprehension Hearing</u> (<i>see Apprehension Timeline</i>)
<input type="checkbox"/>	• <u>Remember, consult with the Supervisor throughout the process</u>

APPREHENSION TIMELINE:

Month: (Place dates in top squares)

	2	3	4	5	6	7	8	9	10	11	12	13	14	

24 48 72hrs.

Name of Family:

Day of Apprehension

Day 1

If child is returned within 72 hours, you do not need to go to court

If child is not returned:

Application to confirm the Apprehension must be filed

Day 5

✓ Originating Notice or Notice of Motion
 ✓ Affidavit
 ✓ Affidavit of Service

Apprehension Hearing	Date
File Court Docs	
Serve By	
Court Date	

Parents (and child over 12) must be served with four (4) days' notice

You have nine (9) days from the date of filing to have your Apprehension Hearing

Last day to have the Apprehension Hearing is day 14

Day 14

✓ If the Apprehension is not confirmed the child is returned

✓ Apprehension Order
 ✓ Serve Apprehension Order
 ✓ Document that the Order was served

Apprehension Hearing Presentation Outline

“Good morning Your Worship/Honour, (*use the term Worship for a Justice of the Peace*) my name is _____, and I am a duly authorized Child Protection Worker pursuant to Section 54(2) of the *Child and Family Services Act of the Northwest Territories*.”

(*Where possible*) “Your Honour/Worship, I request that the courtroom be cleared of people not involved in the case pursuant to section 84(1) of the *Child and Family Services Act*.”

“I would like to speak to matter _____”. (*Wherever possible use the court file number when referring to the case, and use the terms “mother”, “father”, “child” when referring to the parties instead of the names of the parties.*)

“Present in court are _____”. (*Introduce parties*). (*Also, this is an opportunity to file any Affidavits of Service that need filing, or explain why a party has not been served.*)

“This child/these children is/are alleged to be in need of protection under Section 7(3) () (*name all paragraphs relating to the protection concern*) of the *Child and Family Services Act of the Northwest Territories*.”

“The affidavit material indicates concerns regarding _____ (*briefly outline areas of concern*) and noted in the Affidavit is a statement of the alternatives to the apprehension that were considered. Therefore, I ask that the court make an order pursuant to section 12(4) of the *Child and Family Services Act* confirming the apprehension of the child/children.” “Thank you your Honour/Worship.”

Apprehension Hearing Process

Name of Family:

Month: (Place dates in top squares)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

24 48 72hrs.

Day of Apprehension

Day 1

If child is returned within 72 hours you do not need to go to court.

If child is not returned:

Application to confirm the Apprehension must be filed

Day 5

Parents (and child over 12), must be served with four days' notice.

You have 9 days from the date of filing to have your Apprehension Hearing

- ✓ Originating Notice or Notice of Motion
- ✓ Affidavit
- ✓ Affidavit of Service

Last day to have the Apprehension Hearing is day 14

Day 14

- ✓ If the Apprehension is NOT affirmed the child is returned

- ✓ Apprehension Order
- ✓ Serve Apprehension Order
- ✓ Document that the Order was served

If the POCA is signed prior to the Apprehension Hearing you will still attend court to have the application Withdrawn

If the POCA is signed after the Apprehension Order is granted, the Apprehension Order can be Discharged, however, the Order will expire automatically after 45 days

- ✓ POCA
- ✓ Prepare Discharge Order
- ✓ Have parent(s) sign Order
- ✓ Serve Order once signed by Judge/JP
- ✓ Document that the Order was served

The 24th day is the last day to sign the Plan of Care

Day 24

If the POCA is not signed... You must apply for a Child Protection Order

- ✓ Notice of Motion
- ✓ Affidavit
- ✓ Affidavit of Service
- ✓ Plan of Care Report

Parent(s) and child over the age of 12, must be served with at least ten days notice.

Last day to have a matter heard for a child protection order.

Day 46

- ✓ Child Protection Order
- ✓ Serve Child Protection Order once signed by Judge/JP
- ✓ Document that the Order was served

Apprehension Hearing	Date
File Court Docs	
Serve By	
Court Date	

Child Protection Hearing	Date
Calculate Court Date First	
Serve By (-10 from above)	
File Date	

Child Protection Worker Safety Guide

Safety Principles

Child Protection Workers must often perform site visits as part of their child protection related duties. In conducting any site visit, the primary consideration must be the safety of all parties involved.

Safety is a shared responsibility between the employer and the employee and must be considered as an integral part of any case management system. Further, it must be understood that due to the nature of the social work profession, individuals performing site visits are exposed to an element of risk that is inherent in the profession and this risk cannot be entirely eliminated.

In the interest of promoting Child Protection Workers' safety during site visits, the following best practice principles have been established.

Child Protection Workers should not knowingly put their personal safety at risk.

If Child Protection Workers have reason to believe that their personal safety may be compromised, they have the right and the responsibility to withdraw from the situation, to contact their Supervisor for consultation and to arrange for additional support that will allow the site visit to be completed safely.

Child Protection Workers must have the ability for two-way communication with their Supervisor or Designated Contact Person at all times when conducting site visits. They must check in with their Supervisor or Designated Contact Person at predetermined times when conducting site visits.

Supervisors must be aware of the location and approximate times that staff will be performing site visits, as well as the time they expect to return to the office or their home. The Child Protection Workers must provide this information to their Supervisors or Designated Contact Person.

If a Child Protection Worker fails to check in at a predetermined time, a missed check-in procedure must be activated.

Knowledge and awareness of clients' background, risk factors and living conditions are of critical importance and must be assessed by Child Protection Workers on an ongoing basis.

1. Child Protection Worker Safety Assessment

General Overview:

The Child Protection Worker Safety Assessment is designed to serve as a guide for Child Protection Workers that allows them to gauge the level of threat a particular site visit represents to personal safety. It supports and focuses the conversation between the Child Protection Worker and Supervisor in relation to:

- Whether or not the site visit should be undertaken;
- Under what circumstances the site visit should occur; and
- The potential need for additional staff or RCMP assistance in conducting the visit.

The threat level involved in a particular site visit will vary from visit to visit. Therefore, in order for the visit to be effective an assessment must be completed for each individual site visit.

Form Sections:

Section 1 - Consists of information that identifies the client's name and location of the site visit. The provision of this information ensures that the name of the client and the exact location of the site visit are clearly established, understood and readily available.

Section 2 - Consists of a series of questions which when answered, will determine the level of risk involved in a specific site visit. Using this information, the Child Protection Worker and Supervisor must decide if the visit should take place, under what circumstances, and if there is a need for additional staff or RCMP in conducting the visit. The greater the number of indicators present, the greater the likelihood that the site visit represents a high-risk situation. For example, a situation in which a Child Protection Worker that has been previously physically assaulted by a client must then go into that client's home to apprehend a child from that home represents a much greater threat to that Child Protection Worker's safety than the threat to the Child Protection Worker completing a visit involving an adoption home-study. If answers to any questions on the Child Protection Worker Safety Assessment are unknown, the responses to these questions should be treated as **"yes"** until the information necessary to complete these questions is available.

Section 3 - Records the decision by the Child Protection Worker to conduct the site visit or, in the case of risk factors being present, to consult with the Supervisor.

Section 4 - Records the decision to conduct the site visit or the results of the consultation with the Supervisor regarding whether the site visit should take place and under what circumstances.

2. Safe Attire

When conducting site visits, there is an expectation that Child Protection Workers wear appropriate clothing that will not hinder or impede personal safety. Child Protection Workers must be aware of the risks associated with individual clients, the environments in which they function at all times and ensure that their attire does not represent a safety concern (e.g. unstable footwear, long necklaces).

The following standards for site visits are recommended:

- Shoes should be low-heeled, stable and comfortable;
- Clothing and footwear should be appropriate for the weather; and
- Purses, laptops or heavy cases should not be carried.

3. Identification Cards

All Child Protection Workers will be provided with and must carry on their person an identification card that readily identifies them as such. The Director of Child and Family Services will issue this identification upon appointment as a Child Protection Worker. The identification card will at a minimum:

- Be made of plastic.
- Bear the official logo and colors of the GNWT.
- Bear the cardholders picture.
- Bear the cardholders name, date of birth and appointment number.
- Bear the signature of the Director of Children and Family Services.
- Declare authority as per section 54 of the *Child and Family Services Act*.

4. Call-Back Procedures

Child Protection Workers are often required to perform site visits after normal working hours. A call-back is any occasion when a worker is required to perform a site visit (i.e. investigation) outside of regular office hours. During after-hours calls Child Protection Workers continue to be responsible for following all site visit and sign in/out procedures with the following two modifications:

- Child Protection Workers will provide the Sign In/Out Form information over the phone to the Designated Contact Person.
- Child Protection Workers will notify the Designated Contact Person when s/he has arrived back at their home at the end of a call-out.

5. Site Visit Sign In/Out Form

The Site Visit Sign In/Out form is designed for the purpose of tracking the location of a Child Protection Worker while conducting site visits. This form is completed by the Child Protection Worker prior to their departure from the office and given to the Designated Contact Person who is responsible for tracking and communicating with the Child Protection Worker while s/he is conducting the visit. The form includes the required information that would be necessary to locate the Child Protection Worker in an emergency situation. The name of the community, client's name, phone number and the client's exact address/location within the community are all indicated on the form. In addition, the expected arrival and departure times for the site visit and name of the worker(s) who is conducting the visit is indicated.

- All Site Visit Safety Plan Sign In/Out Forms must be kept for audit purposes.

Form Sections:

Section 1 – Child Protection Worker/Designated Contact Person info:

- Date of the site visit
- Name/phone number of the Child Protection Worker conducting the site visit
- Child Protection Worker's vehicle identification data
- Name of the Designated Contact Person responsible for communicating with the Child Protection Worker and for tracking the progression of the site visit

The information in this section is essential in the event that the Child Protection Worker must be located while conducting a site visit.

The Child Protection Worker is responsible for completing section one of the form and forwarding it to the Designated Contact Person prior to conducting any site visit. The Designated Contact person will only be responsible for tracking the Child Protection Worker once they have received the form.

Section 2 – Client Information - specific information about the site visit:

- Name of community
- Exact address/location of visit within the community
- Client's name/phone number
- Estimated time of arrival to site visit
- Estimated time of departure from site visit
- Actual time of departure from site visit
- Child Protection Worker's planned activity following the site visit

The Child Protection Worker must complete all information in this section with the exception of the actual completion time of the site visit prior to conducting any site visits. The completion time of the visit is to be completed by the Designated Contact Person when the Child Protection Worker contacts him/her to advise that the specific site visit has been completed.

Section 3 - Instructions regarding the use of the Site Visit Sign In-Out form

6. Mandatory Reporting of All Safety Incidents

The Child Protection Worker Safety Standards do not supersede the Northwest Territories Workers' Safety and Compensation Commission legislation which dictates that:

- Any incident that occurs on the job which results in a worker sustaining an actual injury (such as a Child Protection Worker cutting their hand after being pushed into a glass door by a client) must be reported to the Workers' Safety and Compensation Commission within 24 hours of the incident.
- Any incident that occurs on the job that may result in a potential injury (such as a Child Protection Worker being pushed into a door frame by a client) must be reported to the Workers' Safety and Compensation Commission within 72 hours of the incident.
- Any incident that occurs on the job where the Child Protection Worker feels endangers their safety but has not resulted in an actual or potential injury should be reported to the Workers' Safety and Compensation Commission.

Child Protection Worker Safety Incident Report Sections:

The Child Protection Worker Safety Incident Report is designed to record and gather the information reported by a Child Protection Worker when an incident, which they feel, has endangered their safety has occurred. The Child Protection Worker who is reporting the safety incident is to complete sections one (1) and two (2) and the Supervisor who conducts the verbal debriefing should complete sections three (3).

Section 1 - Information concerning the reported safety incident including: The name of the Child Protection Worker reporting the safety incident, date the safety incident occurred, type of incident including a space to record any information regarding a safety incident that is not listed.

Section 2 – Child Protection Worker's comments and signature.

Section 3 - The Supervisor who conducted the verbal debriefing of the safety incident with the Child Protection Worker is to record the date the debriefing was conducted,

their comments concerning the reported safety incident and/or any issues arising from the verbal debriefing. As well as the date this form was sent to the Chief Executive Officer of the Health and Social Services Authority.

Child Protection Worker Safety Incidents - Monthly Summary Sections:

The purpose of this form is to report to the Director of Child and Family Services on a monthly basis the number and type of safety incidents Child Protection Workers are reporting in the performance of their duties. This information is required to:

- Ensure the Director of Child and Family Services is aware of the number and type of safety incidents being reported by Child Protection Workers in the performance of their duties.
- Provide the information necessary to analyze and identify any new emerging threats to Child Protection Workers' safety as they occur.
- Provide the information necessary to modify the Child Protection Worker safety system to address emerging threats in a timely manner.
- Provide the information necessary to determine if the Child Protection Worker safety system has been effective over time.

Section 1 - The information in this block provides identifying information such as the name of the reporter, the office reporting, the date of the report, and the month of the report. It also reports the type and number of safety incidents reported during each calendar month.

Section 2 - The purpose of the information in this block is to report what action was taken to remedy the incident.

Section 3 - Information in this block provides the Chief Executive Officer with the space necessary to make any comments and identify what remedial action has been taken in relationship to the reported safety incidents occurring in their region.

4. Emergency Protocol Guidelines

Each Authority must establish a protocol for when a Child Protection Worker is deemed to be missing in the field.

A Child Protection Worker is considered, for the purposes of these standards, to be missing in the field if they have:

- not contacted the Designated Contact Person within 15 minutes after the estimated completion time of their last site visit; or
- the Designated Contact Person's attempt to contact the Child Protection Worker has failed.

The emergency protocol must at a minimum:

- ascertain the Child Protection Worker's whereabouts and status as quickly as possible; and
- obtain the appropriate assistance as quickly as possible in the event that they are injured and/or require assistance.

The resources necessary to accomplish these tasks will vary greatly from authority to authority and community to community. Consequently, such guidelines must be constructed at the authority level by personnel who are familiar with the communities and clients, as well as individuals or organizations in their area who can assist in ascertaining the Child Protection Worker's whereabouts and status.

This Guide is based on the work of the Worker Safety Group 2007.

Completing Documents for Court

COMPLETING COURT DOCUMENTS

When a decision has been made to apply to the court in a child protection matter, the next step is to prepare relevant court documentation. The provisions of the *Act* determine the types of applications that may be made to the court, and you must be familiar with those provisions in the statute relating to applications to the court.

While provisions of the *Act* set out the types of applications the court will hear under the *Act*, there are general rules applying to all applications which are not stated in the legislation. For example, the following documents must be prepared for almost every application:

Originating Notice or Notice of Motion

These two documents give the court and any party at the hearing the following information:

- who is bringing the application;
- date, time, place, and court where the application will be heard;
- the kind of Order under the *NWT Child and Family Services Act Section 28 or 31, etc.* and for how long (exactly); and
- the facts on which the application is based.

Originating Notice is used to bring your first court application in a case. On the other hand, the Notice of Motion is used to bring the matter back to court, e.g.; to change, extend or end an Order.

It is your responsibility to complete the documents. State the appropriate subsection for finding the child in need of protection according to the *NWT Child and Family Services Act section 7(3)(a - o)*.

Affidavit (which Supports the Originating Notice or Notice of Motion)

The Affidavit is a sworn legal document that supports the Originating Notice or Notice of Motion and supports the type of Order you are requesting. The Affidavit describes to all parties the specific evidence or facts that you will present to the court in support of the Order you are seeking. The Affidavit should outline the circumstances which led to

bringing the matter to court.

The document must have the child's name, date of birth and apprehension on the front and back pages. This document must contain facts, not opinions. The information should relate to the requirement to find the child in need of protection and for an Order. On occasion, you may need to report previous court orders. Each paragraph must be brief and to the point. Number all paragraphs. The statements should always be in chronological order and should begin with the word "THAT" and the date. It does not matter whether it sounds repetitive. Starting by the word "THAT", date and time will give the Judge or Justice of the Peace a picture of how and when you became involved.

Do not include any extra information that does not pertain to finding the child in need of protection. Extra information can be included in your Case Plan Report. Your Report provides details about the family situation in a manner that will maintain the dignity of the family. The last two statements of the Affidavit should request that:

- the child be found in need of protection pursuant to the *NWT Child and Family Services Act sections 27 and 7(3)(a) to (o)*; and
- that the court make an Order for the child to be placed in Supervision, Temporary Custody or Permanent Custody.

When requesting a period of Supervision or Temporary Custody, be specific about the timeframe of custody being requested, including the additional statement "and any terms and conditions that the court considers necessary and proper." Never include the actual terms or conditions that will be requested with the Order in the Affidavit. The child must be found in need of protection before the court can hear and consider conditions. Specify in the Case Plan Report the terms and conditions that are being requested and that are to be attached to the Order.

After the Originating Notice or Notice of Motion and Affidavit are completed, you are ready to file them with the Justice of the Peace or Clerk of the Court.

If the Affidavit is for an extension of Temporary or Permanent Custody, the Affidavit should be sworn by the Child Protection Worker who has had the most contact with the family and the child, or involvement with the case. Outline the facts that formed the basis for your decision that it would not be in the child's best interest to return home. You will file and serve this document along with the Originating Notice or Notice of Motion.

Affidavits are completed by the Child Protection Worker who has the most information and contact with the clients and are reviewed by the Supervisor. When the Affidavit is completely accurate, you are ready to "swear" it. The Affidavit is sworn to and signed by the Child Protection Worker before a Commissioner for Oaths, Notary Public, RCMP officer or a lawyer. You will tell the Commissioner that you swear or affirm that you are the person named in the Affidavit, that you have read it and that you swear or affirm that it is

true. Then you will sign the Affidavit on the signature line.

The Commissioner will fill in the “jurat”, the “SWORN BEFORE ME” part on the lower left of the document and sign it above where it says, “A Commissioner for Oaths etc.” The Commissioner is certifying that you are who you say you are, that you actually appeared before him or her, and that you swore or declared that everything in the Affidavit is true.

If there are any Exhibits, that is, other documents referred to in the Affidavit and attached to it, the Commissioner will stamp them with a “THIS IS EXHIBIT__ referred to in the Affidavit of _____ [you]” stamp and sign it. Once the Affidavit is sworn, no changes can be made to it.

Note:

*All paragraphs must come before the place where you and the Commissioner sign. **Do not** add paragraphs below the signatures. **Do not** have a signature block alone on the last page; the court may not accept them because it cannot ensure a page is not missing between the content of the document and the signature.*

*There is a backer page to all documents. This is an essential part of every document. It must be prepared and attached **before** the document is filed with the Justice of the Peace or Clerk of the Territorial Court. It is the last page of each document, and it is turned facing out before filing.*

FILING COURT DOCUMENTS

Make several copies of each document at least one for each person requiring service, one copy for each different community where a person must be served, one for the court and one for your file, prior to filing court documents.

Justice of the Peace Court

Once you have a court date for the Justice of the Peace Court, ask the Justice of the Peace if he or she will accept the documents for filing. If he or she will, ask the Justice of the Peace if he or she will file the Originating Notice or Notice of Motion. If he or she agrees, give the Justice of the Peace the originals and true copies (copies of the originals) and he or she will write “Filed in Justice of the Peace Court” and the date on the back page of the document. Ask the Justice of the Peace to certify one of the true copies by writing that it is a certified copy of the “notice of motion filed on the ____ day of ____, 20 ____” on the back page of the document.

After you go to the Justice of the Peace Court and get the Order, have the Justice of the Peace sign the Order and write “filed” on the back. Have the Justice of the Peace sign and write “filed” on back of all documents you file, including Affidavits of Service and Case

Plan Reports. File these with the court when you appear on the court date. Either you or the Justice of the Peace will send the originals of the Originating Notice or Notice of Motion, Affidavit in Support and the Order to the Clerk of the Territorial court for that region.

Note:

The Justices of the Peace in various regions of the Northwest Territories may have several different ways of filing documents. Follow the filing procedure of your local Justice of the Peace.

Territorial or Supreme Court

If you use the Territorial Court, all Originating Notice(s) or Notice(s) of Motion and Affidavit(s) are filed with the Clerk for the Court for your region, either Yellowknife, Inuvik or Hay River.

The Clerk gives the case a Child Protection Court number that goes on the back of every document. The Child Protection Worker or Clerk will print the number on the back of each form in the upper right hand corner. The Justice of the Peace / Clerk of the court issues the certified copy(s) (one copy for each different community where a person must be served, one for the court and one for the Child Protection file). The copy you serve does not have to be certified copy, but you must carry a certified copy with you to show to the person you are serving if they ask to see it.

Note:

*You **must file the Originating Notice and Affidavit** with the Justice of the Peace / Clerk of the Court **before** you or another Child Protection Worker **serves** them.*

*It is **not necessary to file** a Notice of Motion and Affidavit in Support **before you serve them**. The Child Protection Worker can file the documents after they are served at least two (2) days before the court date.*

SERVICE OF COURT DOCUMENTS

You must provide all people who have the right to appear at the hearing with copies of the court documents. These copies must be true photocopies of the originals. Provide copies of all court documents which are officially signed by the Justice of the Peace or stamped as filed by the Court. If you are able to serve all interested parties, then you must swear an Affidavit of Service and attach the certified copies of the Originating Notice or Notice of Motion and the Affidavit to it. Make sure that you ask the Justice of the Peace or Clerk of the Court for enough certified copies for each Affidavit of Service you will require.

People who can serve court documents are the following:

- Child Protection Worker;
- Sheriff;
- RCMP Officer; and
- Any person who is 19 years old or older.

Section 25 of the *Child and Family Services Act* lists the people who must be served if their identities and locations are known. These are:

- The parent(s) of the child (if their addresses are known);
- Persons who have actual care and custody of the child (if other than the parent(s)), at the time of the investigation or apprehension;
- Plan of Care Committee members;
- Child, if age 12 years or over; and
- Applicable Aboriginal organization, if the child is Aboriginal.

All people must be served ten (10) days **before** the hearing date. To serve a person, simply give him or her a true photocopy of the Originating Notice or Notice of Motion and Affidavit. If they refuse to take it, leave it at their feet. Remember, you must have the certified copy of the Originating Notice or Notice of Motion and Affidavit with you in case they ask to see it.

If you have problems locating the people to serve, or if it appears you will not have ten (10) days to serve the documents, discuss the issue with your Supervisor. You may have to provide Substitutional Service (serve someone for the person you cannot locate) or adjourn the matter to a later date.

Note:

If a person who needs to be served lives in another community, ask the Child Protection Worker in that community to serve the documents on your behalf. You will need to send them a certified copy of each document to be served, as well as a filed copy. Also, provide a semi-completed Affidavit of Service. Courier the documents to ensure they get there on time. In addition, ensure that the information includes the waiver clause due to the tight time restraints.

Affidavit of Service / Affidavit of Attempted Service

An Affidavit of Service tells the court that you had served the parent(s) and/or guardian(s), child over 12 years of age, legal counsel or other party the required documents. The Affidavit of Service will make reference to Exhibit “A” and “B”, which you attach to the Affidavit of Service. The exhibits are the certified copies of the Originating Notice or

Notice of Motion and the Affidavit that was served. Exhibit “A” is always the Originating Notice or Notice of Motion and Exhibit “B” is always the Affidavit. Ensure that you have included the names of all parties. A Commissioner of Oaths, etc., must complete the exhibit stamps. If the parent(s) do not reside in the Northwest Territories, all the documents must be sworn by a Notary Public in the province/territory where they are being served.

Note:

Exhibits “A” and “B” must be sworn by the same Commissioner who swears the Affidavit of Service. Exhibits “A” and “B” must be attached to the Affidavit of Service.

Exhibit Stamps

Fold the bottom right corner of the first page of the Originating Notice or Notice of Motion to the middle of the page and then place the exhibit stamp in a blank spot on that page. When filling out the stamp, remember the Originating Notice or Notice of Motion is “Exhibit A”. The person who serves the documents and completes the Affidavit of Serve has their name written on the exhibit stamp, not the person who wrote the Originating Notice or Notice of Motion and Affidavit, unless they are the same person. The Commissioner of Oaths will complete the rest, including the date portion which will be the date the document was sworn. Follow the same procedure for your Affidavit.

The Affidavit is always referred to as “Exhibit B”. The Commissioner of Oaths will also commission your Affidavit at the same time. When this process has been completed, make copies of your Affidavit of Service. The original Affidavit of Service will be attached on top of the certified and exhibited Originating Notice or Notice of Motion and the Affidavit. The exhibit stamps look like this:

THIS IS EXHIBIT “ ____ A ____ ” referred to in the Affidavit of

Sworn before me this ____ day of _____ A.D. 20 ____

A Commissioner or Notary Public in and for the Northwest Territories My Commission Expires

If the same person serves several parties on different dates and in different locations, that person can use the same certified copies and only needs to prepare one Affidavit of Service. Different people who serve documents are required to fill out separate Affidavits

of Service. The Affidavit of Service will include the pertinent information with regards to each party served.

The Affidavit of Service can be filed with the Justice of the Peace at the time of court or with the Clerk of the Territorial Court after they are completed. Two copies of the Affidavit of Service should be stamped “filed”. Similarly, the Affidavit of Attempted Service documents your attempts to serve the parties, which also needs to be filed with the court. One will be placed on the child’s file, and the other kept by the court.

COURT ORDERS

Draft Order

After the court makes a declaration that a child is in need of protection, it becomes your responsibility or the lawyer(s) involved to ensure that the court Order is prepared and processed.

You or the lawyer(s) need to ensure that the Order is drafted. If the child’s parent(s) and/or guardian(s) or any other parties to the proceeding were not represented by legal counsel, the Order is, then forwarded to the Territorial Court Registry for signature by the Judge or Clerk of the court, who may also sign it. After the signed Order is returned, you need to ensure that copies are distributed to all parties.

If lawyer(s) are involved, they must receive copies of the draft Order before it is forwarded to the Territorial Court Registry. The lawyer for the other parties, e.g.; parent(s) and/or guardian(s) will check the draft document, sign it to indicate their approval, and return it. The draft Order is then signed by legal counsel for the Director of Child and Family Services, who will forward it to the Territorial Court Registry for signature by the Judge or Clerk of the court, and distributes copies of the signed Order once they are available.

In any instances in which counsel for another party refuses to sign a draft Order, the dispute may be brought before the Clerk of the Court or before the Judge who made the Order; such disputes should always be handled by counsel for the Director.

Ensuring that the Court’s Decision is Communicated

When a child’s parent(s) and/or guardian(s) are represented by counsel in a child protection proceeding, it’s their lawyer’s responsibility to ensure that the court’s decision is communicated to them, and that they receive a copy of any Order made by the court.

When parent(s) and/or guardian(s) are not represented by counsel, immediately after the hearing, or as soon as possible, you will need to inform the parent(s) and/or guardian(s) of the outcome and ensure that they understand:

- The judge's decision;
- That they may appeal the decision;
- Your role in providing ongoing support and services to the child and family;
- The plans for the child and family that you will be attempting to implement; and
- You will provide similar information to the child such as the judge's decision and how you will support the child and family, as appropriate for the child's age and development.

As stated above, if the parent(s) and/or guardian(s) are not represented by legal counsel, they need to be provided with a copy of the Order as soon as practicable. In certain situations, for example, when a case is contested or an order for Permanent Custody is granted; it is best practice to prepare an Affidavit of Services and file it with the court.

Determining the Court Date

You must present a child protection matter to the court within 45 days of the following (Section 24):

- A report was made to a Child Protection Worker under Section 10 (1) (a);
- The matter was referred to a Child Protection Worker under Section 10 (2) (b) or Subsection 11 (2);
- The child was apprehended by a Child Protection Worker under Section 11 (1);
- A Child Protection Worker notified the Child and Family Services Committee of the decision not to establish or to dissolve a Plan of Care Committee; or
- The Child Protection Worker receives an election to proceed to court under Subsection 18 (3).

It should be noted that the Child Protection Worker helps the parent(s) and/or guardian(s) to fill out the election form; however, this form is not filed with the court.

When you're of the opinion that the **termination of the Plan of Care Agreement will result in the child, subject to the Agreement, needing protection**, you will, without delay, apply to the court for a declaration that the child is in need of protection and for an order as per Section 22. Once notice of termination is given or received, you must bring the matter before the court **within 45 days**.

Use of Justice of the Peace Court

If you are deciding which Justice of the Peace to use when parties are in different communities, e.g; child is in one, parent(s) and/or guardian(s) in another; Justice of the Peace is in another community, talk to the parties and have the matter heard in the community that is most convenient. Speak with the Justice of the Peace to see if he or she is prepared to hear the matter. If they are, confirm a location, date and time. If the child is not going to court, you can have the matter heard in another community. It is easier if you can get a Justice of the Peace in the community where most of the parties and witnesses are located.

Using of the Territorial and Supreme Court

In communities outside of Yellowknife, Hay River and Inuvik, you will need to know when the court circuit will bring the Territorial Court to your community if you plan to present the matter in Territorial Court.

To present the matter in Supreme Court, you need to contact the Clerk in Yellowknife for

a date for your motion. They will schedule the motion for Yellowknife unless you tell the clerk you want it heard in another regional centre such as Inuvik. Speak to your Supervisor to arrange for legal counsel, who will in turn contact the Department for approval.

Information for Court Order

INFORMATION FOR COURT ORDER

1. Name of the Child
2. Date of Birth
3. Name of Judge of Justice of the Peace
4. Date of Court
5. Place of Court
6. Documents filed and relevant dates (for example, Case Plan Report, dated January 4, 2014, Affidavit of John Doe, dated January 2, 2014; Notice of Motion, dated, etc.)
7. Under what sections of the Child and Family Services Act was the child found in need of protection?
8. What Order was granted and under what section(s) of the Child and Family Services Act? Did the court order a review date? What is the review date?
9. Did legal counsel appear? If yes, who did they represent?
10. Did the parent(s) and/or guardian(s) appear in court?
11. Did the parent(s) and/or guardians(s) consent to the Order being requested?
12. Was consent oral or written?
13. What conditions were imposed by the court?

**NORTHWEST TERRITORIES
SDM® SAFETY ASSESSMENT
DEFINITIONS**

CHILD VULNERABILITY

- **Age 0–5 years.** Any child in the household is 5 years old or younger. Younger children are considered more vulnerable, as they are less verbal and less able to protect themselves from harm. Younger children also have less capacity to retain memory of event details. Infants are particularly vulnerable, as they are nonverbal and completely dependent on others for care and protection.
- **Developmental delay; medical or mental health disorders.** Any child in the household has diminished developmental/cognitive capacity OR a diagnosed medical or mental health disorder that significantly impairs ability to protect self from harm. Diagnosis may not yet be confirmed, but preliminary indications are present and testing/evaluation is in process. Examples may include but are not limited to ADHD, autism, severe asthma, depression, medically fragile, non-verbal, or speech delayed.
- **Not visible in the community.** The child is isolated or not visible within a cross section of the community (e.g. the family lives outside of the community, the child may not attend school and is not routinely involved in other activities within the community, absence of extended family or community connections).
- **Diminished physical capacity (e.g. non-ambulatory, limited use of limbs).** Any child in the household has a physical condition/disability that impacts ability to protect him/herself from harm (e.g. cannot run away or defend self, cannot get out of the house in an emergency situation if left unattended).
- **Addiction and/or other high-risk behaviour.** The child is engaging in high-risk behaviour and is more vulnerable to exploitation and harm (e.g. alcohol and drug use and addictions, unhealthy sexualized behaviours, gang affiliation, prostitution, criminal activity, absent from care, and other disruptive behaviours).
- **Homeless or highly transient.** The child lives on the street or is “couch surfing,” has had multiple moves in care, etc.

SECTION 1: SAFETY THREATS

1. **Parent/caregiver caused serious physical harm to the child or made a plausible threat to cause serious physical harm in the current investigation, as indicated by (select all that apply):**

- Serious injury to the child other than accidental. Parent/caregiver caused serious injury to the child, which may include but is not limited to: brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocations, sprains, internal injuries, poisoning, burns, scalds, bruises and/or severe cuts; **AND** the child required medical treatment.
- Parent/caregiver fears he/she will maltreat the child. The caregiver expresses overwhelming fear that he/she poses a plausible threat of harm to the child or has asked someone to take the child so the child will be safe. For example, a mother with postpartum depression fears that she will lose control and harm her child. This does not include normal anxieties, such as fear of accidentally dropping a newborn baby.
- Threat to cause serious harm or retaliate against the child. Parent/caregiver threatened action that would result in serious harm, parent/caregiver plans to retaliate against child for CFS investigation, or child expresses a credible fear that he/she will be maltreated by the parent/caregiver and suffer serious harm.
- Excessive discipline or physical force. Parent/caregiver used physical methods to discipline a child that resulted in or could easily result in serious injury **OR** parent/caregiver injured or nearly injured a child by using physical force.

Examples include:

- » Whipping a child of any age with a belt and leaving bruises; or
- » Spanking a child under the age of 2.
- Propensity to violence. Parent/caregiver has allegedly killed or seriously injured another person, or his/her actions show propensity to violence **AND** this creates an immediate threat of harm to the child(ren) in the household. Propensity to violence is defined as a natural inclination or tendency to frequently or almost always respond to situations using violence (e.g. a parent who has a repeated pattern of violent actions against an individual, such as death threats or assaults).
- Drug-exposed infant. Evidence shows that the mother used alcohol, other drugs, or solvents during pregnancy, **AND** this has created imminent danger to the newborn child. Indicators of imminent danger include the level of toxicity and/or type of drug present, diagnosis of the infant as medically fragile as a result of

drug exposure, and suffering of adverse effects by the infant due to introduction of drugs during pregnancy.

2. Child sexual abuse or exploitation is suspected, AND circumstances suggest that the child's safety may be of IMMEDIATE concern.

Suspicion of sexual abuse may be based on the following indicators.

- Child discloses sexual abuse verbally or child's behaviour indicates possibility of sexual abuse (e.g. age-inappropriate or sexualized behaviour toward self or others or prostitution).
- Medical findings are consistent with child sexual abuse.
- A sexual abuse allegation has been made against the parent/caregiver or others in the household, AND he/she:
 - » Has been or is being investigated for, charged with, or convicted of a sex offence (including persons registered in the National Sex Offender Registry); OR
 - » Has been previously identified as a sexual abuser by CFS or other child protection agencies.
- Parent/caregiver or others in the household have forced or encouraged the child to engage in or observe sexual behaviours, activities, or pornography.

AND circumstances suggest that the child's safety may be of immediate concern, based on the following indicators.

- An accused or convicted sexual abuser, or an individual suspected of perpetrating, has access to a child.
- Parent/caregiver blames child for the sexual abuse or the results of the investigation.
- Parent/caregiver does not believe that the sexual abuse occurred.

3. Parent/caregiver does not protect the child from serious harm or threatened harm by others. This may include physical abuse, sexual abuse, emotional abuse, and/or neglect.

- The parent/caregiver does not provide supervision necessary to protect the child from potentially serious harm **by others** based on the child's age or

developmental stage. This includes a parent/caregiver not taking protective action following a disclosure of harm from the child.

- An individual with known violent criminal behaviour/history resides in the home, and current circumstances (e.g. no change in individual's behavioural pattern over time) suggest that the child's safety may be of immediate concern.
- Parent/caregiver has taken the child to dangerous locations where drugs/alcohol are manufactured, regularly used, and/or sold (e.g. amphetamine labs, drug houses, or locations used for prostitution or pornography), **AND** this is likely to recur.

4. Parent/caregiver does not meet the child's immediate needs for supervision, food, clothing, and/or medical or mental health care.

- Nutritional needs of the child are not met, **AND** this results in danger to the child's health and/or safety, including severe vitamin deficiencies due to malnutrition.
- Child's clothing is inappropriate for the weather to the extent that the child is in danger of significant harm from hypothermia or frostbite.
- Parent/caregiver does not seek treatment for the child's immediate, chronic, and/or dangerous medical condition(s) **OR** does not follow prescribed treatment for such conditions (diabetes, asthma, etc.).
- Child has exceptional needs, such as being medically fragile, which the parent/caregiver does not or cannot meet.
- Child is suicidal and/or seriously self-harming, exhibiting signs of serious emotional symptoms, lack of behavioural control, or serious physical symptoms **AND** the parent/caregiver will not/cannot take protective action.
- Parent/caregiver does not attend to the child to the extent that need for care goes unnoticed or unmet (e.g. parent/caregiver is present, but the child can wander outdoors alone, play with dangerous objects, play on an unprotected window ledge, or be exposed to other serious hazards).
- Parent/caregiver leaves the child alone in circumstances that create opportunities for serious harm (time period and opportunity for harm is dependent on age and developmental stage, e.g. young child left unattended in a vehicle on a hot day).
- Parent/caregiver is currently unavailable to care for the child and no arrangements have been made based on the child's age and developmental

status (incarceration, hospitalization, abandonment, unknown location, intoxication, illness).

5. The physical living conditions are hazardous and immediately threatening to the child's health and/or safety.

Based on the child's age and developmental status, the child's physical living conditions are hazardous and immediately threatening, including but not limited to:

- Any heating source is faulty and dangerous and not properly maintained;
- Dangerous substances or objects accessible to a young child may endanger the child's health and/or safety (e.g. grow operations, meth labs, drug paraphernalia, scissors/knives, cleaning supplies);
- No source of water and no alternate or safe provisions;
- Exposed electrical wires;
- Excessive mould, uncontained garbage, or rotted or spoiled food that threatens child's health;
- Evidence of human or animal waste uncontained throughout household; and/or
- Unsecured, loaded, and accessible guns and other weapons or ammunition.

6. Parent/caregiver's current use of substances seriously impairs his/her ability to supervise, protect, or care for the child.

Parent/caregiver has used legal or illegal substances or alcohol to the extent that the parent/caregiver is currently unable to supervise, protect, or care for the child, which is likely to harm the child. Examples include but are not limited to:

- Co-sleeping with an infant or young child while under the influence of drugs, alcohol, or solvents;
- Packing the child or transporting the child in a car, skidoo, or all-terrain vehicle while under the influence of alcohol and/or other drugs; or
- Being unable to provide immediate care and/or supervision to a child in the event of an emergency or other essential need while under the influence of substances or alcohol.

7. Intimate partner violence or violence between two or more adults in the household exists and poses an immediate danger of serious physical and/or emotional harm to the child.

There is evidence of intimate partner violence or violence between two or more adults in the household, **AND** child's safety is of immediate concern. Examples include the following.

- Child was previously injured in an incident of violence in the household and violence is occurring now.
- Child exhibits severe anxiety (e.g. nightmares, insomnia) related to situations associated with violence in the household.
- Child cries, cowers, cringes, trembles, or otherwise exhibits fear as a result of violence in the household.
- Child's behaviour increases risk of injury (e.g. child attempted to intervene during violent dispute or participated in the violent dispute in an effort to protect a parent/caregiver or stop the violence).
- Evidence of serious, frequent, or escalating property damage resulting from violence in the household is apparent.
- Other indicators of highly dangerous situations exist, such as an abuser threatening or attempting to kill an adult, abuser harming household pets, and/or recent separation that is resisted by a violent partner.

8. Parent/caregiver's mental health, developmental, or cognitive functioning or physical condition/disability seriously impairs his/her current ability to supervise, protect, or care for the child.

Evidence exists that the parent/caregiver is mentally ill, developmentally delayed, cognitively impaired, or has a physical condition/disability, **AND** as a result, one or more of the following situations are observed.

- Parent/caregiver refuses to seek evaluation/treatment and/or to follow prescribed medications to the extent that symptoms are present that interfere with ability to provide for basic needs, or that put child in imminent danger of physical harm, or are causing severe emotional harm to the child.
- Parent/caregiver is unable to control emotions.
- Parent/caregiver acts out or exhibits a distorted perception.

- Parent/caregiver expects the child to perform or act in a way that is impossible or improbable for the child's age or developmental stage (e.g. babies and young children expected not to cry, to be still for extended periods, to be toilet trained, to eat neatly, to care for younger siblings, or to stay alone).
- Due to cognitive delay, the parent/caregiver lacks basic knowledge and understanding related to parenting. Examples include not:
 - » Knowing that infants need regular feedings;
 - » Accessing and obtaining basic/emergency medical care;
 - » Understanding proper diet; or
 - » Providing adequate supervision.

9. Parent/caregiver describes the child in predominantly negative terms or acts toward the child in negative ways AND the child is a danger to self or others, acts out aggressively, or is severely withdrawn and/or suicidal.

Examples of parent/caregiver actions include:

- Speaking to or about the child in a demeaning or degrading manner (e.g. swearing or describing the child as evil, stupid, ugly);
- Scapegoating a particular child in the family (e.g. blaming the child for a significant incident or family problems); or
- Including the child in a dispute (e.g. custody dispute) and expecting the child to act as an intermediary, choose sides between parents/caregivers, etc.

10. Parent/caregiver's explanation for the child's injury is questionable or inconsistent with the type of injury, and the nature of the injury suggests that the child's safety may be of immediate concern.

Factors to consider include the child's age, location of injury, child's developmental needs, and frequency or severity of injuries. The child's safety may be of immediate concern when:

- Parent/caregiver denies abuse or attributes injury to accidental causes; OR
- Parent/caregiver's explanation, or lack of explanation, for the observed injury is inconsistent with the type of injury; OR
- Parent/caregiver's description of the injury or cause of the injury minimizes the extent of harm to the child.

AND

One of the following is true:

- The injury requires medical attention, AND medical assessment indicates the injury is likely to be the result of abuse; OR
- A suspicious injury that did not require medical treatment was located on an infant; or, for older children, on the torso, face, or head, and/or covered multiple parts of the body; appeared to be caused by an object; or is in different stages of healing.

11. Parent/caregiver refuses access to the child or hinders the investigation, or there is reason to believe that the family is about to flee.

Examples include but are not limited to the following situations.

- Family currently refuses access to the child or cannot/will not provide the child's location.
- Family has taken the child from a hospital against medical advice to avoid investigation.
- Family has previously fled in response to a child protection investigation.
- Family has a history of keeping the child at home, away from peers, school, and other outsiders for extended periods of time for the **purpose of avoiding investigation**.
- Information exists that suggests the parent/caregiver is intentionally coaching or coercing the child, or allowing others to coach or coerce the child, in an effort to hinder the investigation.

12. Other (specify).

Circumstances or conditions exist that pose an immediate threat of serious harm to a child and are not already described in safety threats 1–11.

SECTION 1A: PROTECTIVE CAPACITIES

Child

1. Child has the cognitive, physical, and emotional capacity to participate in safety interventions.

- The child has an understanding of the family environment in relation to any real or perceived threats to safety.

- The child has the maturity to protect self or care for siblings.
- The child can identify how to obtain immediate assistance if needed (e.g. calling emergency responders, running to neighbour, telling an adult who is significant to the child).
- The child is emotionally capable of overcoming allegiance to the parent/caregiver in order to protect self and/or siblings.
- The child has sufficient physical capability to protect self and/or siblings to remove self and/or siblings from the situation if necessary.

2. Child has, on more than one occasion, successfully acted in a way to protect self from the safety threat.

This includes but is not limited to:

- Child reached out to a member of the support network in response to the safety threat, and that network member was able to keep the child safe; or
- Child has demonstrated an ability to successfully protect self or siblings from the safety threat.

Parent/Caregiver

3. Parent/caregiver has the cognitive, physical, and emotional capacity to participate in safety interventions.

- The parent/caregiver has the ability to understand that the current situation poses a threat to the child's safety.
- The parent/caregiver is able to follow through with any actions required to protect the child.
- The parent/caregiver is willing to put the child's emotional and physical needs ahead of his/her own.
- The parent/caregiver possesses the capacity to physically protect the child.

4. Parent/caregiver recognizes problems and safety threats that place the child in imminent danger and is willing and able to participate in safety planning.

- The parent/caregiver is cognizant of the problems that necessitated CFS intervention to protect the child.

- The parent/caregiver expresses a willingness to identify and/or discuss strategies that will ensure the child's safety.
 - The parent/caregiver is able and willing to verbalize what is required to mitigate the threats that have contributed to the threat of harm to the child.
 - The parent/caregiver accepts feedback and recommendations from the CPW.
- 5. Parent/caregiver is willing to accept temporary interventions offered by the CPW and/or other community agencies, including cooperation with continuing investigation/assessment.**
- The parent/caregiver accepts the involvement, recommendations, and services of the CPW or other individuals working through referred community agencies.
 - The parent/caregiver expresses that he/she will cooperate with the continuing investigation/assessment, allows the CPW and intervening CFS to have contact with the child, and agrees to support the child in all aspects of the investigation or ongoing interventions.
- 6. Parent/caregiver is aware of AND committed to meeting the needs of the child.**
- The parent/caregiver expresses the ways in which he/she has historically met the child's needs for:
 - » Supervision;
 - » Stability;
 - » Basic necessities;
 - » Mental/medical health care; and
 - » Developmental/education.
 - The parent/caregiver expresses commitment to the child's continued well-being.
- 7. There is evidence of a healthy relationship between parent/caregiver and child.**
- The parent/caregiver displays appropriate behaviour toward the child, demonstrating that a healthy attachment with the child exists.
 - There are clear indications through both verbal and non-verbal communication that the parent/caregiver is concerned about the child's emotional well-being and development.
 - The child interacts with the parent/caregiver in a manner evidencing that an appropriate relationship exists and that the child feels nurtured and safe.

8. At least one parent/caregiver in the home is willing and able to take action to protect the child.

- The non-offending parent/caregiver understands that continued exposure between the child and the offending parent/caregiver poses a threat to the child's safety, **AND** the non-offending parent/caregiver is able and willing to protect the child by ensuring that the child is in an environment in which the offending parent/caregiver will not be present.
- If necessary, the non-offending parent/caregiver is willing to ask the offending parent/caregiver to leave the residence.
- If the situation requires, then the non-offending parent/caregiver will not allow the offending parent/caregiver to have other forms of contact (e.g. telephone calls, electronic correspondence, mail, correspondence through third-party individuals) with the child.

9. Parent/caregiver has the ability to access resources to provide necessary safety interventions.

Parent/caregivers are aware of and willing to access community resources available to meet identified needs in safety planning (e.g. able to obtain food, provide safe shelter, provide medical care/supplies).

10. Parent/caregiver has supportive relationships with one or more people who may be willing to participate in safety planning, AND parent/caregiver is willing and able to accept their assistance.

An extended family member, immediate family member, neighbour, or friend is willing and able to offer assistance (e.g. providing child care or securing appropriate resources and services in the community), **AND** the parent/caregiver is willing and able to receive this support.

11. Parent/caregiver can articulate strategies that, in the past, have been successful in mitigating the identified threats to child safety.

- The parent/caregiver has historically sought to solve problems and resolve conflict using a variety of appropriate strategies and resources, including assistance offered by friends, neighbours, and community members.
- The parent/caregiver has shown an ability to identify a problem, outline possible solutions, and select the best means to resolution in a timely manner.

12. Other (specify).

This option is for circumstances or conditions that are not already described in protective capacities 1–11.

SECTION 2: SAFETY INTERVENTIONS

Safety interventions are actions taken to specifically mitigate any identified safety threats. They should address immediate safety threats rather than long-term changes. If protective capacities 3, 4, and/or 5 are not identified, consider whether an in-home safety intervention can be put into place, leaving the child in the home. Refer to CFS policies whenever applying any of the safety interventions for safety planning.

In-Home Interventions

1. **Intervention or direct services by the CPW. (Do NOT include the investigation itself.)**

The CPW provides services accepted by the parent/caregiver that specifically address one or more safety threats. Examples include:

- Providing information about nonviolent disciplinary methods, child development needs, or parenting practices;
- Providing emergency support, such as money, food, and infant formula;
- Planning additional return visits to the home to check on progress;
- Providing information on obtaining peace bonds and/or emergency protection orders; and
- Providing information on child abuse and neglect and discussing the legal implications of abusive and neglectful behaviour.

Intervention **DOES NOT INCLUDE** the investigation itself or services provided to respond to family needs that do not directly affect safety.

2. **Use of family, neighbours, community elders, traditional healers, or other individuals in the community as safety resources.**

This can include the family's own strengths as resources to mitigate safety concerns. Examples include:

- Engaging community resources (e.g. elders and/or traditional healers) to assist with safety planning, such as agreeing to serve as a safety net or meet with the parent/caregiver in crisis;
- Engaging an extended family member to assist with child care or supervised visits; and
- Agreement by a neighbour or a friend to serve as a safety net for an older child.

3. Use of community agencies or services as safety resources.

Involving community-based organizations (friendship or wellness centres), faith-related organizations, or other community services in activities to address safety concerns (e.g. Community Counselling Program, family preservation, Healthy Families, using a local food bank). **DOES NOT INCLUDE** long-term therapy or treatment or placement on a waiting list for services.

4. Parent/caregiver appropriately protects the victim from the alleged abuser.

A non-offending parent/caregiver has acknowledged the safety concerns and is willing and able to protect the child from the alleged abuser. Examples include:

- Agreement that the child will not be alone with the alleged abuser; and
- Agreement that the parent/caregiver will prevent the alleged abuser from physically disciplining the child.

5. Alleged abuser leaves the home, either voluntarily or in response to legal action.

Examples include:

- Arrest of alleged abuser;
- Non-perpetrating parent/caregiver requires alleged abuser to leave; or
- Alleged abuser agrees to leave.

6. Non-offending parent/caregiver moves to a safe environment with the child.

Parent/caregiver who is not suspected of harming the child has taken, or plans to take, the child to an alternate location where the alleged abuser will not have access. Examples include:

- Family violence shelter, transition house, or safe home;
- Home of a friend or relative; or
- Hotel.

7. Legal action planned or initiated—child remains in the home. (May ONLY be used in conjunction with other safety interventions.)

A legal action has commenced, or will be commenced, that will effectively mitigate identified safety factors. This includes:

- Family-initiated actions (e.g. emergency protection orders, non-contact order, mental health commitments, changes in custody/visitation/guardianship);
- CPW initiated court orders (e.g. application for supervision order); or
- Royal Canadian Mounted Police-initiated actions (e.g. arrest, remand).

8. Parent/caregiver makes arrangements for the child to stay with identified extended family, a friend, or a community member.

The parent/caregiver agrees to have the child temporarily stay with a relative or other suitable person while safety threats are being addressed. This should **ONLY** include agreements made between the parent/caregiver and the relative, significant other, or community member (family arrangement). Examples include but are not limited to:

- Child stays with a relative or the parent/caregiver's significant other while environmental hazards are addressed;
- Child stays with a relative or the parent/caregiver's significant other while the offending parent/caregiver moves to another location; or
- Child stays with a relative or the parent/caregiver's significant other to deescalate parent/caregiver-child conflict.

9. Other (specify).

The family or CPW identified a unique intervention for an identified safety threat that does not fit within items 1–8.

Placement Interventions

10. Child apprehended because interventions 1–9 do not adequately ensure the child's safety.

One or more children are placed in the care of the Director pursuant to the *Child and Family Services Act*.

SECTION 3: SAFETY DECISION

- 1. Safe.** No safety threats were identified at this time. Based on currently available information, no children are likely to be in immediate danger of serious harm.
- 2. Safe With Plan.** One or more safety threats are present. Protective in-home safety interventions have been initiated and the child will either remain in the home or will temporarily stay with a relative or the parent/caregiver's significant other with consent of the parent/caregiver. **A SAFETY PLAN IS REQUIRED.**
- 3. Unsafe.** One or more safety threats are present, and apprehension is the only protective intervention possible for one or more children. Without placement, one or more children will likely be in danger of immediate or serious harm.

**NORTHWEST TERRITORIES
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
SDM® SAFETY ASSESSMENT
POLICY AND PROCEDURES**

The purpose of the safety assessment is to:

1. Help assess whether any child is likely to be in immediate danger of serious harm/abuse or neglect that requires intervention; and
2. Determine what interventions should be initiated or maintained to protect the child.

SAFETY VERSUS RISK ASSESSMENT

Safety assessment differs from risk assessment in that it assesses the child's **present** danger and the interventions currently needed to protect the child. In contrast, risk assessment looks at the likelihood of any **future** abuse or neglect. It is important to keep these differences in mind when completing this form.

WHICH CASES

All child protection reports that are assigned for investigation, including a screened-in report of an ongoing protection case.

Any investigation or ongoing protection case in which circumstances require a safety assessment due to changes in:

- Family circumstances (e.g. birth of a baby, unknown adult moves into home, person leaves the household);
- Information that is known about the family; and/or
- Ability of safety interventions to mitigate safety threats.

WHO

A CPW.

WHEN

For new reports, including ongoing child protection cases, the child's safety is assessed before leaving the child in the home or returning the child to the home during the investigation.

The safety assessment form must be completed by the end of the next business day following the first face-to-face contact with the child/family.

If, during the course of investigation, any safety assessment identified a safety threat and led to a safety plan, an updated safety assessment must be completed prior to closing the file (including the safety assessment form). If safety threats remain unresolved, an ongoing protection case should be opened.

DECISION

The safety assessment provides structured information concerning the threat of immediate harm to a child. This information guides the decision about whether the child may remain in the home with no intervention, may remain in the home with safety interventions in place, or must be protectively placed.

APPROPRIATE COMPLETION

CPWs should familiarize themselves with the items included on the safety assessment and the accompanying definitions. SDM assessments ensure that every CPW is assessing the same items in each case and that the responses to these items lead to specific decisions. Once a CPW is familiar with the items that must be assessed to complete the assessment, the CPW should conduct the initial interviews/contact as normal, using good social work practice to collect information from the child, parent/caregiver, and collateral sources (if applicable). The specific items on the safety assessment must be completed during the initial child/family contact. Subsequent review assessments may need to be completed, as described below. A closing assessment must also be completed.

Header Information

Enter the name of the household assessed. This is typically the last name of the primary parent/caregiver in the household.

Some reports may involve more than one household with a safety assessment. If two such households have the same last name, also include the first name. Record the name of the primary parent/caregiver and, if present, the secondary parent/caregiver.

Also select whether allegations exist in the household being assessed. If at least one alleged abuser resides in the household, there are allegations in that household.

Enter the type of safety assessment.

- Initial. Each household in the report should have **one, and only one**, initial assessment. This should be completed during the first face-to-face contact with the child and parent/caregiver when there are allegations in that household.

- Review. After the initial assessment, any additional safety assessment is most likely a review, unless it is completed at the point of closing a report or ongoing protection case.
- Closing. This review is completed prior to closing a case.

Record the date of the safety assessment. This should be the date that the CPW made face-to-face contact with the child to assess safety, which may be different from the date on which the form is being completed.

The safety assessment consists of four sections plus subsections.

CHILD VULNERABILITY

Each child's vulnerability is considered throughout the assessment and safety planning. Typically, young children cannot protect themselves. For older children, inability to protect themselves could result from diminished mental or physical capacity or repeated victimization. Indicate whether any child vulnerabilities are present for any child in the household who may be in need of protection. Note that these vulnerability issues provide a context for safety assessment. The presence of one or more vulnerabilities does not automatically mean that the child is unsafe or that a safety threat is present.

Section 1: Safety Threats

This is a list of 11 critical threats that must be assessed by every CPW in every case. These threats cover conditions that would place a child in danger of immediate, serious harm. Because not every conceivable safety threat can be anticipated or listed on a form, a 12th option ("other") is included.

For each item, consider the most vulnerable child. Rely on information available at the time of the assessment. CPWs should make every effort to obtain sufficient information to assess these items prior to terminating their initial contact. However, not all facts about a case can be known immediately. Some information is inaccessible, and some might be deliberately hidden from the CPW. Based on reasonable efforts to obtain the information necessary to respond to each item, respond to each safety threat based on the accompanying definitions.

Section 1A: Protective Capacities

This section is completed **only if one or more safety threats were identified**. Select any of the listed protective capacities that are present for any child or parent/caregiver. Consider information from the report; from CPW observations; interviews with children, parent/caregivers, and collaterals; and review of records. For "Other," consider any existing condition that does not fit within one of the listed categories but may support safety interventions for the safety threats identified. Actions taken by the child should not be the basis for the safety plan but may be incorporated as part of the plan.

Section 2: Safety Interventions

This section is completed only if one or more safety threats are identified and after a CPW has determined whether or not protective capacities are present. The presence of one or more safety threats does not automatically mean that a child must be apprehended. In many cases, the child may remain in the home while the investigation continues if a short-term plan that sufficiently mitigates the safety threat(s) is initiated. Consider the relative severity of the safety threat(s), the parent/caregiver's protective capacities, and the vulnerability of the child.

The safety intervention list contains general categories of interventions rather than specific programs. The CPW should consider each potential category of interventions and determine whether that intervention is available and sufficient to mitigate the safety threat(s) and the parent/caregiver's ability and willingness to follow through with a planned intervention. An intervention's presence in the community does not necessitate its use in a case.

The CPW may determine that even with an intervention, the child would be unsafe, or the CPW may determine that an intervention would be satisfactory but may have reason to believe the parent/caregiver would not follow through. The CPW should keep in mind that any single intervention may be insufficient to mitigate the safety threat(s), but a combination of interventions may provide adequate safety. The safety intervention is not the case plan—it is not intended to “solve” the household's problems or provide long-term answers. A safety plan permits a child to remain home (including family arrangements) during the course of the investigation.

For each identified safety threat, review the current protective capacities. Given these protective capacities, can in-home safety plan interventions adequately mitigate the threat? When assessing the appropriateness of safety interventions, it is critical to review the assessed protective capacities in Section 1A. If capacities 3, 4, and/or 5 are not present, the rationale for implementing any in-home safety interventions must be carefully considered and clearly documented.

Safety interventions 1–9 are considered to be in-home interventions and are incorporated into a safety plan where a threat has been identified and protective capacities, in combination with one of these interventions, will allow the child(ren) to remain in the home while the investigation continues.

If one or more safety threats are identified and the CPW determines that in-home interventions are unavailable, insufficient, or may not be used, the final option is to indicate that the child will be placed in care via an apprehension process. If safety intervention 10 is used, the safety decision must be unsafe. Safety intervention 10 is used when only a placement can ensure safety.

If one or more interventions will be implemented, select each category that will be used. If an intervention will be implemented that does not fit into one of the categories, select 9 (“other”) and briefly describe the intervention.

Section 3: Safety Decision

Record the result of the safety assessment. Select safe, safe with plan, or unsafe based on identification of safety threats, protective capacities, and safety interventions. "Safe" guides the CPW to leave the child in the home for the present time. "Safe with plan" requires that a safety plan be developed with and signed by the parent/caregiver. "Unsafe" guides the CPW to place the child in care to protect the child from harm.

Any safety plan must include:

- Each safety threat identified in Section 1, written in a family-friendly manner that also describes the threat and impact on the child;
- Detailed information for each planned safety intervention;
- Information that describes how the safety plan will be monitored (e.g. who is responsible for each intervention action); and
- Signature lines for family members, the CPW, and the CPW's supervisor.

The safety plan **MUST** be completed with the family, and a copy should be left with the family. If safety threats have not been resolved by the end of the investigation, all remaining interventions will be incorporated into the ongoing case plan.

Section 4: Location of Child's Placement

The name and safety decision for each child assessed should be recorded in this section in the same order as the information appears on page 1 of the assessment instrument. **If the safety decision for the household (Section 3) is "Unsafe" and any child will remain in the home, provide an explanation in the summary section.**

PRACTICE CONSIDERATIONS

While safety is the prevailing concern for the first face-to-face contact, the manner of engaging the family will depend upon clinical social work skills. Whenever possible, the CPW should use a strengths-based approach to initiate the contact, while remaining observant for the presence or absence of safety threats. Most safety threats are salient and can be discerned without invasive questioning. The first face-to-face contact may be limited to assessing safety if there are significant safety issues. At other times, the CPW will also begin to gather information regarding risk and/or strengths and needs items, as well as additional clinical information.