

Service of Documents

The Child Protection Worker must serve a copy of the Originating Notice/Notice of Motion and the Affidavit in support of the application, to all parties involved in the court proceedings to commence an application for a declaration that a child or youth needs protection.

REFERENCE

NWT Child and Family Services Act section 12.1(1)(2), 25 (1)(2), 29.3(1)(2)(3), 31(7)

PURPOSE

- To ensure that all individuals are served with required court documents.

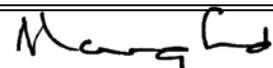
PROCEDURES

1. Serve a certified copy of the *Originating Notice/Notice of Motion, Affidavit and Order court documents* to the following individuals:
 - The child or youth's parent(s) and/or guardian(s);
 - The person having actual care of the child at the time of the investigation under subsection 9 (1) or 11 (3);
 - The person having actual care of the child at the time the child was apprehended;
 - The person having actual care of the youth at the time of the application for Youth Protection Order ;
 - The child who is 12 years and older;
 - The youth for a Youth Protection Order;
 - The members of the Plan of Care Committee; and
 - The applicable Aboriginal organization, if the child or youth is Aboriginal (*Originating Notice/Notice of Motion only*).

During this process, it's important to encourage the above noted people to speak with legal services or Office of the Children's Lawyer to represent their interests. Failure to provide adequate notice may result in a delay in the court proceedings. Furthermore, it's important to inform the applicable Aboriginal organization of their right to be present and to present evidence as well as to represent their members at both the Child Protection and Youth Protection Hearings.

Effective Date:
April 1, 2016

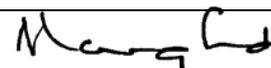
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2. Prepare an *Affidavit of Service court document* for each person served with the court documents. Each document served must be certified and named on the Affidavit of Service as exhibit "A", "B", "C", etc. The certified copy of the court documents must be stamped, and securely attached to the Affidavit of Service court document. The Affidavit of Service court document and its attachments must be signed and sworn before a Commissioner for Oaths or Notary Public, and must be filed with the Territorial Court.
3. Mail the court documents through registered mail to the person's last known address if personal service is unrealistic.
4. Serve court documents by fax to each person served with Apprehension court documents for time efficiency.
5. Consider the following issues when serving each person the court documents:
 - Affidavit of Attempted Service:
6. If unable to serve a person, despite best efforts, file an Affidavit of Attempted Service court document with the court.
 - Substitution Service:
7. If unable to locate a person that is required to be served with court documents but believe another person may be in contact with that person, apply to the court for Substitutional Services. If successful, the court will grant an order allowing the other person to be served on behalf of the person of interest.
 - Dispensing with Service:
8. In certain situations, apply to the court to continue with the court proceedings without serving a person involved in the court matter. The court will only consider dispensing services on a person if it is in the best interests of the child or youth, especially in situations involving the sexual or physical abuse of the child or youth involved or where there are concerns that the court documents might be harmful to the child or youth.
- 9.
10. See the *Serving Court Documents and Timelines Tool* for additional information on what parties are served with which documents.

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Note:

The Affidavit of Service must be certified by a Notary Public and not a Commissioner for Oaths when being sworn in a jurisdiction outside of the Northwest Territories.

FORMS

- None

TOOLS

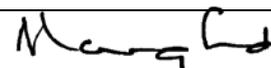
- Serving Court Documents and Timelines
- Applicable Aboriginal Organizations
- Office of the Children’s Lawyer Information Sheet

COURT DOCUMENTS

- Originating Notice Application for Supervision, Temporary and Permanent Custody
- Originating Notice Application for Medical Care or Treatment for a Child and Dispensing with Parental Consent
- Notice of Motion Application to Extend, Vary or Discharge a Supervision or Temporary Custody Order
- Notice of Motion Application to Extend a Temporary or Permanent Custody Order Beyond 16 Years of Age or to Discharge a Permanent Custody Order
- Affidavit Used With An Application for Supervision, Temporary and Permanent Custody
- Affidavit Used With An Application to Extend, Vary or Discharge a Supervision or Temporary Custody Order
- Affidavit Used With An Application to Extend a Temporary or Permanent Custody Order Beyond 16 Years of Age or to Discharge a Permanent Custody Order
- Affidavit Used with an Application for Medical Care or Treatment for a Child and Dispensing with Parental Consent
- Affidavit of Service
- Affidavit of Attempted Service
- Affidavit (Receiving a Fax)
- Case Plan Report
- Registration of Live Birth – Certified
- Order for Supervision, Temporary and Permanent Custody, Youth Protection Order, Access, Maintenance
- Order for Permanent Custody for Adoption

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- Order for Extension of Supervision, Temporary and Permanent Custody or to Discharge a Permanent Custody Order
- Order for Medical Care and Treatment of a Child
- Adjourment Order

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