

Temporary Custody Order

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

- The child can only return to the parent(s) or guardian(s)' care after receiving the necessary services.
- The child is currently receiving services in the home through a Plan of Care Agreement; however, new protection concerns have arisen, which cannot be addressed while the child remains in the home.
- The parent(s) and/or guardian(s) or a child over the age of 12, decides that they do not wish to develop a Plan of Care Agreement and elect to go to court.
- The parent(s) and/or guardian(s) and/or the Child Protection Worker (or the majority of the Plan of Care Committee members) cannot agree on a Plan of Care Agreement within the required timelines.
- The child cannot stay with his or her parent(s) and/or guardian(s) for the time being, due to concerns for the protection, health or safety of the child.
- The child is under a Temporary Custody Order and although there have been improvements in the well-being of the child and/or family, it is not yet safe for the child to be returned to his or her parent(s) and/or guardian(s) care.
- The parent(s) and/or guardian(s) cannot be located within the timelines required for the Plan of Care Committees.
- When a youth has been declared in need of protection by the Court.

REFERENCE

*NWT Child and Family Services Act sections 28(1)(c) *child, 29.6(1)(a) *youth & 75-87*

PURPOSE

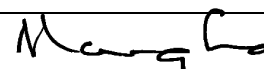
- To ensure the protection, health and safety of the child by providing care for the child while the child and his or her parent(s) and/or guardian(s) are receiving services.

PROCEDURE

1. Assess the family's condition to determine whether the child's protection, health or safety would be at risk if the child remained in the home while the family was

Effective Date:
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Director of Child and Family Services



receiving services.

2. Discuss the need for a *Temporary Custody Order* with the Supervisor and review *Temporary Custody Guidelines tool* about the appropriate use of a Temporary Custody Order.
3. Complete Court Documents and *Case Plan Report* as required and serve applicable documents within the timelines according to *the Service of Court Documents and Timelines Tool*.
4. Serve only a copy of the Temporary Custody application (Originating Notice, Notice of Motion) to the appropriate Aboriginal Organization in the case of an aboriginal child or youth) and advise that they are entitled to be present and to present evidence and make representations at the protection hearing.
5. And where a Child Protection Order or Youth Protection Order is made granting that the child or youth be placed in the Temporary Custody of the Director of Child and Family Services, a certified copy of the Order must be provided to the:
 - Child over 12 years of age, Youth;
 - The Child's parents or youth's parents (if the identities and whereabouts of the parents are known);
 - The person having actual care of the child or the youth at the time of the protection concern; and
 - The Director of Child and Family Services.

FORMS

- Case Plan Report

TOOLS

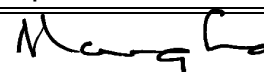
- Temporary Custody Order Applications Guidelines
- Service of Court Documents and Timelines
- Case Plan Report

COURT DOCUMENTS

- Originating Notice for Supervision Temporary, Permanent Custody and/or Maintenance
- Affidavit to Extend, Vary, Discharge and/or Maintenance
- Affidavit used with an application for supervision, temporary or permanent

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Director of Child and Family Services



custody

- Notice of Motion to Extend, Vary, Discharge and/or Maintenance
- Supplementary Affidavit
- Waiver of Notice
- Affidavit of Service
- Affidavit of Attempted Service
- Order for Supervision, Temporary, Permanent, Access and/or Maintenance
- Order to Extend the Temporary or Permanent Order and/or Discharge a Permanent Order
- Case Plan Report

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