

Youth Protection Order

The Child Protection Worker must apply to the Court for a declaration that a youth needs protection and for a Youth Protection Order in the following circumstances:

- the youth cannot reside with his or her parents, and;
- is unable to care for and protect himself or herself, and;
- is unable or unwilling to enter into a Support Services Agreement due to developmental, behavioural, emotional, mental or physical incapacity or disorder, or the effects of the use of alcohol, drugs, solvents or other similar substances, OR;
- The youth is living in circumstances of a child who needs protection under subsection 7(3) of the *Child and Family Services Act*.

REFERENCE

Child and Family Services Act section 29.2, 29.6(1)(a) & 29.6(1)(b)

PURPOSE

Temporary Custody Application:

- To ensure the protection, health and safety of the youth by providing care for the youth while the youth and his or her parent(s) and/or guardian(s) are unable or unavailable to care for the youth temporarily.

Permanent Custody Application:

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

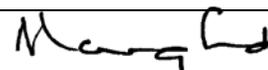
PROCEDURE

Temporary Custody Application:

1. Assess the family's condition to determine whether the youth's protection, health or safety would be at risk temporarily.
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.

Effective Date:
April 1, 2016

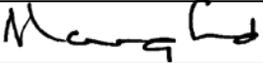
Director of Child and Family Services



3. Complete Court Documents and *Case Plan Report* as required and serve applicable documents to the youth, and persons with lawful custody, a person having actual care of youth at the time of the protection concern.
4. Serve only a copy of the Temporary Custody application or Permanent Custody application (Originating Notice, Notice of Motion) to the appropriate Aboriginal Organization in the case of an aboriginal youth, and advise that they are entitled to be present and to present evidence and make representations at the protection hearing.
5. Seek Maintenance from the youth's parents (or guardian) to be included in the Order if applicable.
6. Where a Youth Protection Order is made placing a youth in the Temporary Custody of the Director of Child Family Services a certified copy of the Order must be served to the:
 - Youth;
 - The youth's parents (if the identities and whereabouts of the youth's parents are known);
 - The person having actual care of the youth at the time of the protection concern.

Permanent Custody Application:

1. Review the length of time a youth has received services through a Temporary Custody Order.
2. Assess whether changes have occurred within the family unit which would result in the youth being safe if returned home.
3. Apply to the court requesting a Permanent Custody Order if determined to be in the best interest of the youth.
4. Discuss the need for a Permanent Custody Order with the Supervisor and review the *Permanent Custody Order Application Guidelines* tools about the appropriate use of a Permanent Custody Order.
5. 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*.
6. Serve only a copy of the Temporary Custody application or Permanent Custody application (Originating Notice, Notice of Motion) to the appropriate Aboriginal Organization in the case of an aboriginal youth, and advise that they are entitled to be present and to present evidence and make

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representations at the protection hearing.

7. And where a Youth Protection Order is made granting that the youth be placed in the Permanent Custody of the Director of Child and Family Services, a certified copy of the order must be provided to the:
 - Youth;
 - The youth’s parents (if the identities and whereabouts of the youth’s parents are known);
 - The person having actual care of the youth at the time of the protection concern;
 - The Director of Child and Family Services; and
 - To the applicable Aboriginal organization.

8. Review the Adoption Planning – Voluntary Surrender section, if the parent(s) and/or guardian(s) wish to surrender the youth for adoption.

Note:

Where an application is made under section 31(6.1)(1)(b) of *the Act* in respect of a youth, it must be filed within **4 days** to the Court and a hearing must be held within **9 days** after the day on which the application is filed.

Also, where an application is made under section 29.2 of the *Act* in respect of a youth, a hearing must be heard no later than **45 days** after the first appearance unless a court orders otherwise.

The youth cannot be apprehended.

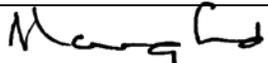
FORMS

- Case Plan Report

TOOLS

- Youth Protection Order Application Guidelines
- Service of Court Documents and Timelines
- Office of the Children’s Lawyer Information Sheet
- Outline for Presenting in Youth Protection Court
- Case Plan Report

Court Documents

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- Originating Notice for Temporary, Permanent Custody and/or Maintenance
- Affidavit used with an application Temporary or Permanent Custody
- Notice of Motion to Extend, Vary, Discharge and/or Maintenance
- Affidavit to Extend, Vary, Discharge and/or Maintenance
- Affidavit of Service
- Affidavit of Attempted Service
- Order for Youth Protection - 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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