

Minimum Expectations of Counsel in Provincial Court Child Protection Matters

Counsel should be prepared to address the Court on the following questions at every child protection proceeding:

1. Who is present?
 - What efforts has the child caring agency made to have parent present?
 - Are children 12 and over present to have rights addressed?
 - Who are the lawyers for the parents? (Have particulars been provided to counsel?)
2. Parent(s) served? Children 12 and over served?
 - When were they served?
 - If not served, why not?
 - What efforts have been made to locate parents?
 - Have all relatives, friends etc. been contacted?
 - Have child caring agency efforts been adequate?
 - Does child caring agency plan to bring forward a motion for substitutional service or to dispense with service before next date?
3. Nature of order sought?
 - Why?
 - What is the child caring agency's case plan for the apprehended children?
4. Where are the children?
 - With whom have they been placed?
5. Is access being given to the parents? How often?
 - If not why not?
6. Is access between siblings being arranged?
 - How often and where?
7. Involvement between child caring agency and parents?
 - If not why not?
8. If parent(s) are present:
 - What does child caring agency want parents to do?
 - What is the parents' position on the order requested?
9. If an adjournment is sought, for what purpose?
10. What needs to be done before next court date?

NOTE: A Certificate of Apprehension should be filed before an order is made and it should include what, if any, temporary order time is left for a child.