

# What you need to know when Child Protection takes your children into care

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## What happened?

Child Protection has reason to believe that your children are at risk of harm if they stay with you. It is their job to protect your children from harm. Sometimes that means taking them away from you. This is called “taking children into care.”

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## Why were my children taken into care?

Someone told Child Protection that your children may be at risk of harm. That person could be a police officer or a member of the public.

If Child Protection believes that your children are at risk of harm, they can

- leave your children with you if you agree to work with Child Protection  
OR
  - apply to Supreme Court (Family Division) or Provincial Family Court to let the children live with you under the watchful eye of a child protection worker. This is called a “supervision order”  
OR
  - take the children into care
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## Where are my children?

Your children are living with a foster family or with one of your own family members. This can last a little while or a long time depending on how your case goes.

This is what happens.

You will get a notice telling you to go to court within 5 days. This is called a court date. It begins a court action that can last up to 2 years. The court can order one of two things:

- that the children go back to live with you under a supervision order  
OR
- that the children stay in care until a judge makes a different decision

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## What do I need to do?

### Stay calm. Get informed. Prepare.

Contact Nova Scotia Legal Aid right away to see if you qualify for their services ([www.nslegalaid.ca](http://www.nslegalaid.ca)).

Make sure you tell them your first court date.

### What if I do NOT qualify for Legal Aid?

You can ask Legal Aid how to appeal their decision not to give you a lawyer.

Call Dial-a-Law at 902-420-1888 or Lawyer referral at 902-455-3135. Ask for a lawyer who is “familiar with child protection legislation.” That means someone who has worked on cases like yours.

Read every paper you get from Child Protection and the court. Keep them in a safe place. Bring them to your lawyer.

### Participate

What you do between your first court date and the last court date is very important. For example, it is very important that you do the following:

#### 1. Visit your children

Child Protection will give you a schedule that shows when and where you can visit your children. Each visit is for a set length of time, such as from 3 pm to 4 pm. They may also have to be in a certain place. The visits may be supervised.

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Visits with your children will change as the risk of harm is addressed. For example,

- visits may get longer
- your visits may move from supervised to unsupervised
- you may visit your children in a public place like a park or later in your own home.

## 2. Make visits with your children the best they can be

Follow these rules:

- Go to all visits unless there is an emergency. For example, you got very sick or injured suddenly and could not make it to the visit. Missing a bus is NOT a good reason to miss a visit.
- Tell Child Protection as soon as possible if you have to miss a visit.
- Stay calm and enjoy your time with your children.
- Help your children get comfortable with where they are. They will be happier if they see that you are calm.
- Ask your child protection worker if there is anything you can bring for your children.

## 3. Ask for help

You may already know about some services you need to help you. Ask your child protection worker and your lawyer how to get them.

Your child protection worker may offer you other services. Take advantage of these.

Some of the services that may be offered to you are

- counselling
- having someone work with you in your home. This is called “family support”
- treatment for drug or alcohol addiction

***Following through with every service is very important.***

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## When can my children come home?

How quickly your children go back home depends on whether there is still a risk of harm. Taking part in all the services that have been offered to you will help reduce this risk.

The child protection worker may agree to let your children go home under a supervision order if

- they believe the children will be safe as long as a child protection worker is watching over you

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- you agree to certain conditions set by the judge, such as
  - a certain person must leave your home
  - a child protection worker may visit your home and see your children at any time
- you take part in the services offered to you

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## How long before a final decision?

It can take up to 2 years before a judge makes a final decision. The court process is divided into 5 stages.

### Stage 1: The first appearance

This is the first time you go to court. It happens within 5 days of your children being taken into care. It is also called “the 5-day appearance.”

It usually lasts 15 minutes.

If there is NOT enough evidence, the judge will dismiss the case. Your children will be allowed to go back home with you.

If there IS enough evidence, the judge will make decisions including where your children will live. The judge may also order services that you and your children need.

### Stage 2: The 30-day appearance

This takes place within a month of your children being taken into care.

If you and Child Protection cannot agree on where the children will live and how often you can visit them, the judge will have to decide.

Parents often come to an agreement with Child Protection.

### Stage 3: The protection finding

This is also called “the 90-day hearing.” This takes place within 3 months of your children being taken into care.

During this hearing, the judge will decide

- if your children need Child Protection services
- what services you and your children need to get the family back together
- if your children can live with you or what your visits will look like

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### Stage 4: The first disposition

This takes place within 3 months of the protection finding. The judge looks at plans that address the risk of harm to your children.

#### **If your youngest child is under 6**

You will have no more than one year from this date to address the risk of harm that led Child Protection to take your case to court.

#### **If your youngest child is between 6 and 12**

You will have no more than 18 months, or one and a half years, from this date to address the risk of harm that led Child Protection to take your case to court.

You may have to go to court several times during this stage to review how the plan is working.

### Stage 5: The final disposition

**Final disposition - This is when the judge makes the final decision on where your children will live.**

Time has run out. A judge must decide long-term plans for your children.

#### **If your youngest child is under 6**

The judge must make these plans no later than one year after the first disposition.

#### **If your youngest child is between 6 and 12**

The judge must make the decision no later than 18 months, or a year and a half, after the first disposition.

The judge can decide to

- let your children go home with you. For this to happen, you need to show that you have addressed the risk of harm that led Child Protection to take your children into care  
OR
- order that your children stay in care. The judge can make an “order for permanent care and custody.” This puts your children in the care of the Department of Community Services and could lead to your children being adopted into another family. This will happen if the judge believes that your children are at risk of harm if they go home to live with you

***Remember, participate and take part in services early on.***

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## Why would I have to go to court several times?

During the disposition stage, there can be many court appearances for either a “review court appearance” or a “contested hearing.”

### Other court appearances

#### Contested hearing

Parents can usually come to an agreement with Child Protection on how things should go. Still, you are allowed to disagree. When you do, you can ask the court for a contested hearing and the judge will decide.

#### Review court appearance

During these hearings, the judge looks at how the risk of harm has changed and may change certain conditions, for example

- you may be allowed to visit your children more often
- you may be allowed to visit them in your home
- your children may be allowed to move back home under a supervision order

You may have contested hearings or review court appearances during any of the 5 stages.

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## Court dates

### Court hearings Date

Protection application:

Stage 1: 5-day:

Stage 2: 30-day:

Stage 3: Protection finding:

Stage 4: First disposition:

Stage 5: Final disposition:

Review dates:

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