

BECOMING A PERSON OF SUFFICIENT INTEREST (PSI)

CHILD PROTECTION PROCEEDINGS

PERSONS OF SUFFICIENT INTEREST

- ❖ If you are a family member with a close connection to a child who has been apprehended, (grandparent, aunt/uncle, etc.) and you want to be involved in the court proceedings, and/or care for the child, you can ask a judge to decide you are a **PSI**, so that you can get information about what is happening to the child.
- ❖ First, you should speak to the child's protection worker. Explain who you are and why you want to have the child in your care. The worker is responsible for making a **case plan** with the child's parents and caregiver. The worker may help you in making the application to the court to become a PSI.
- ❖ If you don't know who the worker is, contact the Social Services office closest to where the child lives and ask to speak with the child's protection worker.
- ❖ You should attend court on the date set for the first appearance. The worker can give you the court date.
- ❖ At court, you should let the lawyer for MSS or the Agency know that you want to be a PSI. The lawyer will tell the judge you want to become a PSI, and whether MSS or the Agency agrees with you being a PSI.

Application for Designation as a PSI

- ❖ **Section 23** of the Child & Family Services Act allows the court to designate a PSI. A PSI is entitled to receive information about the family and the court proceedings. This does not automatically mean the child will come to live with you.
- ❖ Typically, in Provincial Court, a PSI application can be made orally in court. You should be prepared to tell the judge:

your name, personal and employment circumstances, living and family situation, the specific details about your relationship with the child, your understanding of the child's needs and your ability to meet those needs, and your proposed plan to take care of the child.

- ❖ However, some judges may request that you apply in writing. This is more common in the Court of Queen's Bench. **If you need to apply in writing**, there is a self-help kit to help you apply. Contact the Family Law Information Centre to get a copy of this kit.
- ❖ The documents that you will need to complete, file and serve include the following:
 - **Notice of Application**,
 - your **Affidavit**,
 - a **Draft Order**,
 - and **Affidavits of Service**.
- ❖ In making a decision, the court will consider the best interests of the child.
- ❖ The court may make a decision to designate you right away, or may make a decision in a few days.
- ❖ If you are designated a PSI, you are entitled to receive disclosure. This is the information outlining MSS or the Agency's concerns about a child, recommendations for the family, and the evidence relied upon in court. The designation also allows the PSI to participate in the court proceedings.

Becoming a Placement or Caregiver

- ❖ Once you make a PSI placement or caregiver application, it is likely that a **home study** will be needed – which may involve the protection worker asking you some questions and gathering

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information about whether your home is suitable for the child. The court application may need to be adjourned in order for the home study to be completed. The home study helps both MSS or the Agency AND the court to determine whether it is appropriate for you to be the child's caretaker.

- ❖ If the MSS or Agency agree that you should be a PSI, the court will usually make a **PSI order under Section 37**. This PSI order means the court agrees the child should be placed in your care, either on a short-term or long-term basis.
- ❖ An Order begins when it is granted by the court. It does not begin the day a child is apprehended. This means it is important to move forward through the court process as efficiently as possible. Like any other court order, the parties must comply with its terms and conditions.

Do I need a lawyer?

- ❖ You can go to court without a lawyer. However, you will be treated the same as a person who has a lawyer. You are choosing to represent yourself in court. You may qualify to apply for court appointed counsel.
- ❖ If you would like a lawyer to represent you but you have low or no income, you may qualify for **Legal Aid**. Consult your telephone book for the Saskatchewan Legal Aid Commission office nearest you, or apply on-line here: <https://lainsk.ca/LegalAid/onlineform/form>
- ❖ Even if you do not qualify for Legal Aid, you may still qualify for **Pro Bono Legal Services**. To apply, call 1-855-833-7257.

- ❖ You may decide that you would like to hire a **private lawyer** to provide you with legal advice, or to represent you in a child protection matter. If you want to find a private lawyer, check the yellow pages' listings in the telephone book, or speak to family or friends for recommendations. You can also use the "Find a Lawyer" function on the Law Society of Saskatchewan website, here: <http://www.lawsociety.sk.ca>
- ❖ Even if you decide not to hire a lawyer to represent you in court, it is still a good idea to consult a lawyer. A lawyer can advise you about the law, help you evaluate your chances of success and tell you what the cost of the court application would be if you decided to hire a lawyer. The lawyer will likely charge you for his/her advice.
- ❖ You can also call the Family Law Information Centre to speak to their lawyer to get general legal information.
Family Law Information Centre
1-888-218-2822 (ext. 2)
(306) 787-5837
svp@gov.sk.ca
- ❖ Upon request from any person who thinks a child should have a lawyer, the **Counsel for Children (CFC)** can appoint a lawyer to ensure the child's or youth's voice is heard in child protection proceedings. A request for an appointment of a lawyer for a child or youth can be accessed at <https://www.saskatchewan.ca/resident/justice-crime-and-the-law/courts-and-sentencing/counsel-for-children>. Either you or your child can contact the CFC at 1-877-787-5424.