

# My Child Has Been Apprehended

“What are my options?”

## Agreement with MSS or Agency on Protection Concerns

If your child has been apprehended by the Ministry of Social Services (MSS) or a First Nations Agency (Agency), and your child can be returned safely, you may be asked to enter into a voluntary agreement for Family Services. If needed, this can include a safety plan.

If your child cannot be safely returned, you may still enter into an agreement for Family Services and matters will not proceed to court.

Talk to the child protection worker to find out what concerns need to be addressed, and work with them to develop a case plan. Stay in contact with the worker.

Talk to the child protection worker about what access you can have to your child.

MSS or the Agency may seek a temporary order ranging from 1-6 months to allow you time to address parenting issues.

You can also work towards an agreement with MSS or the Agency by voluntarily participating in mediation/case conferencing/talking circles.

You may want to identify a family member willing to take the child into their care for a period of time. If so, speak to the worker as soon as possible. MSS or the Agency can consider whether this person can provide a safe home which meets your child's needs, rather than your child going into foster care.

## Disagreement with MSS or Agency on Protection Concerns

If you do not feel there are any child protection concerns that need to be addressed, you can appear in court and tell the judge you do not agree with the MSS or the Agency.

The MSS or the Agency must prove to the judge there are child protection concerns.

This may end up in a pre-trial conference and ultimately a trial which can be time-consuming and expensive.

An alternative to a formal trial is an “Opikinawasowin” which are court ordered. An “Opik” for short, is a traditional and culturally sensitive form of dispute resolution. It is a Cree word which literally means “the lifting up of the children or holding the children in high esteem.” It involves a council of Elders making recommendations to the court. The judge typically takes those recommendations into consideration when making a judgment.

A court order may be appealed within 30 days of it being issued.

**To speak with an Aboriginal Family Law Court Worker who attends Child Protection Matters in:**

**Regina / Saskatoon / Prince Albert / North Battleford / Fort Qu'Appelle / Yorkton**

**PLEASE CALL 1-800-514-5666**

## 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, if you choose to represent yourself.

If you have a low income or do not make any income at all, you may qualify for Legal Aid. Consult your telephone book for Saskatchewan Legal Aid Commission office nearest you or apply on-line here: <https://legalaid.sk.ca/apply/>

If you are not eligible for Legal Aid, you may qualify to apply for Court Appointed Counsel. You may ask the Local Registrar's Office or the Provincial court for information about how to make a request for court appointed counsel.

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 or 306-569-3098.

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' listing in the telephone book or speak to family or friends for recommendations. You can also use the "Find Legal Assistance" function on the Law Society of Saskatchewan website here: <https://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 would be if you decided to hire a lawyer. The lawyer will likely charge you for their advice.

## Can my child get a lawyer?

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 voice is heard in child protection proceedings. The request form is here: <https://www.saskatchewan.ca/residents/justice-crime-and-the-law/courts-and-sentencing/counsel-for-children>

Either you or your child can also contact the CFC at 1-877-787-5324.

For general legal information, you can also contact:

**Family Law Information Centre**

Call 1-888-218-2822 (ext. 2) or 306-787-5837 or email [familylaw@gov.sk.ca](mailto:familylaw@gov.sk.ca).