

MY CHILD HAS BEEN APPREHENDED

“What are my choices?”

FACT SHEET

1. Agreement with MSS or the Agency on protection concerns:

- If your child has been apprehended by the Ministry of Social Services (MSS) or a First Nations Agency (Agency), and if your child can be returned safely, you and the other parent or legal caregiver will typically be asked to enter into a voluntary agreement for Family Services (and a Safety Plan, if needed).
- If your child cannot be safely returned and it is determined your child is in need of protection, you may still enter into an agreement for Family Services and the matter 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 to address those concerns. 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 with them.
- You and the other parent may want to identify to the worker a family member who is willing to take the child into their care for a period of time. If this is the case, you should 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.

2. Disagreement with MSS or the 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 MSS or the Agency.
- 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 Opikinawasowin 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.

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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**. You may ask your local registrar about information to make a request 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. Call 1-888-218-2822 (ext. 2) or (306) 787-5837 or email 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. 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 1-877-787-5424.