

Fact sheet

HAS CHILDREN'S AID CONTACTED YOU?

It is important for you to get legal advice immediately—whether Children's Aid has taken your child or children into care or you are dealing with an agency outside the court process.

What is Children's Aid?

Children's Aid is short for Children's Aid Society. Ontario has 44 Children's Aid Societies and four Aboriginal organizations.

Ontario's Children's Aid Societies are child protection agencies, supported by the Government of Ontario.

When does Children's Aid become involved with a family?

Children come into the care of child protection agencies for a variety of reasons. These reasons can be allegations of abuse, neglect or abandonment. Sometimes, a child protection agency places children into care through a court order.

What are my rights?

It's important to know your rights and how Legal Aid Ontario can help—whether you're a parent or you're a caregiver (another member of the child's family or community, such as a grandparent, aunt, uncle or sibling). If a child protection agency becomes involved with your family, you can:

- call Legal Aid Ontario at **1-800-668-8258** to see if you qualify for a lawyer. Even if you do not qualify for a lawyer through LAO, you can get a referral to a different service for legal advice.
- speak to a lawyer before signing any documents.
- in some cases, LAO may be able to help keep the matter outside of court by providing you with a lawyer to help negotiate customary care agreements, special needs agreements, temporary care agreements or facilitate participation in an Aboriginal alternative dispute resolution process such as Talking Together or Talking Circles.
- ask for the child protection agency report or court documents that explain why your child was removed.
- if you are First Nation, Métis or Inuit, ask about specific sections of the *Child and Family Services Act* and Legal Aid services that apply to you and your family.
- ask for a letter stating what terms and conditions that the child protection agency is expecting you to complete to have your child returned to your care.
- ask for a mediator or alternative dispute resolution service to help you work out an out-of-court agreement.
- ask for visits with your child.



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Why call Legal Aid Ontario?

Every day, we help almost 4,000 low-income people. Our clients include parents involved in a legal proceeding with a child protection agency. They also include single parents seeking child support; people experiencing domestic violence; and parents seeking custody or access to their children.

When you call us, we can tell you if you qualify for a legal aid certificate or for a different service.

When do I qualify for a legal aid certificate?

You may qualify for a legal aid certificate for your child protection matter if you're financially eligible and you need a lawyer to represent you in one of these situations:

1. You need help outside of court

Child protection agencies sometimes negotiate out-of-court agreements with families about the care of children. If Children's Aid has contacted you and you would like to see if you can work out an agreement outside of court, early intervention is key.

What's a legal aid certificate?

Legal Aid Ontario issues legal aid certificates to people who are financially and legally eligible and need a lawyer. This certificate is like a "voucher" for legal services. You can use it to "pay" for a lawyer to represent you for a certain number of hours in your child protection matter.

You may be eligible for a family lawyer who can give you advice and negotiate:

- a voluntary care agreement
- a customary care agreement (an agreement for the care and supervision of a First Nation child by a person who is not the child's parent, according to the custom of the child's band or native community)
- a temporary care agreement
- participation in an Aboriginal alternative dispute resolution process, such as Talking Together or Talking Circles

2. You need help in court

You may be eligible for a family lawyer who can represent you in court. You and your legal aid lawyer can work together to address your issues with Children's Aid by taking legal steps such as:

- preparing court documents
- bringing forward motions
- participating in settlement negotiations
- conducting an in-depth file review

3. You are a third-party caregiver who wants to keep the child in the care of his or her extended family or home community

"Third party caregiver" can include grandparents, aunts, uncles, siblings or other possible caregivers.

If you are a third-party caregiver, you may be eligible to hire a lawyer who can provide you with advice and represent you in a child protection hearing.

4. Your child is being placed for adoption and you want to stay in touch

If a child protection agency wants to put your child up for adoption and an access order is in place, you can take steps to try and stay in contact.

An access order is a document that sets out when, where and how a parent or a caregiver can have contact with his or her child in a supervised situation. If you have one that entitles you to some contact with your child, the child protection agency must tell you that it is planning to place your child up for adoption, via a notice advising you that:

- the child protection agency plans to place the child for adoption
- the access order will terminate upon placement for adoption, and
- you have 30 days, starting from the day you receive the notice, to apply for an **openness order** (an order that will allow some form of contact to continue after adoption).

You may be eligible for a Legal Aid Ontario family lawyer to help you negotiate an openness agreement or file an application for openness and to represent you at an openness hearing.

For more information

Call us toll-free at **1-800-668-8258**.

If possible, please have available:

- all papers you have received from the courts, the police or Children's Aid
- all agreements you have signed or have been asked to sign
- information about whether you have hired a lawyer.