

IMPORTANT! THERE IS A 30-DAY DEADLINE FOR YOUR “ANSWER”

You have only 30 days after you receive the F&CS papers to fill out your “Answer” (Form 33B.1). Before the end of 30 days, you must give copies of this form to all the people involved in the case (including CAS). Then, you must bring the original to the Family Court desk to “file” it (staff there will help you). If you do not do this within 30 days, the judge might make decisions about your children without your input!

For more information

Ask if your local neighborhood group (or Native friendship center if you are Aboriginal) has an advocate who can provide information and support.

Or, visit www.attorneygeneral.jus.gov.on.ca and click on: “What We Do,” “Publications,” “What you should know about Child Protection Court Cases.”

Family Courts

Guelph Family Court
74 Woolwich Street,
519-822 7961, or visit
www.attorneygeneral.jus.gov.on.ca

Office of the Children’s Lawyer

416-314-8000 or visit
www.attorneygeneral.jus.gov.on.ca
(under “Services,” choose “Family Justice,” then “The Office of the Children’s Lawyer.”)

Family & Children’s Services

- ▶ **The mission of F&CS** is to ensure the safety and well-being of children and to support and strengthen families. Together with the community, we work to develop respectful and caring environments in which all children can grow to their full potential.
- ▶ **We envision** a community where all children are safe and healthy, nurtured in a permanent loving family and provided with opportunities to grow to their full potential.

www.fcsgw.org

T: 519-824-2410 or 1-800-265-8300

F: 519-763-9628

55 Delhi Street, Box 1088, Guelph, ON N1H 6N3

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What you need to know if your child welfare case goes to court

ONE IN SERIES

Working with

FAMILY & CHILDREN’S SERVICES

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What is this brochure about?

This brochure gives you information about what you can do if you and Family and Children's Services (F&CS for short) have to go to court. It describes what the law says and what you can do to prepare for court. It also tells you where you can go to get the help you need. *This brochure is not legal advice. Only a lawyer can give you legal advice.*

Even though we are involved in a court case, F&CS is committed to working with families to protect children. We can always work together to find a solution to keep your children safe, without necessarily having to go to court in the first place. But, even if a case has been brought before a Judge, it still might be possible to reach an agreement that everyone can accept.

What is the role of F&CS?

F&CS has a *legal duty* to investigate all reports about children who have been abused or neglected, or who are in danger. If we believe a child is not safe or is neglected we may ask the court to make a ruling to protect the children.

Going to court does not necessarily mean that F&CS will remove your children. Sometimes, we will simply ask a judge to make a court order to make sure you do certain things to protect your child.

The law says a Children's Aid Society (CAS) worker may remove (apprehend) your child(ren) from your care with or without your permission. We can do this if we think the child is in immediate danger. Your child will live in someone else's home (a foster home or the home of someone you know) until a judge decides what is best for them.

If your child is removed from your care, you have a right to ask F&CS to make sure the culture, language, race, ethnicity, faith, ability, sexual orientation and gender identity of your child are respected.



The F&CS worker will ask you if there are relatives, friends, or community members who could care for your child.

If your child is removed from your care, F&CS has approximately five days in which to go to court and explain to a judge why your child was removed.

If you have to go to court, *you should see a lawyer as soon as possible*. A lawyer can give you legal advice, help you prepare legal papers and attend court with you. When you meet with a lawyer, make sure they are familiar with "Child Protection" cases and that they understand your situation.

What are the papers that F&CS has given me?

These papers are legal documents written by F&CS and explain why we think a court order is needed to keep your child(ren) safe. It is important that you read them carefully and take them with you to every court date. These papers also tell you when and where you or your lawyer have to be at court. It is important for you or your lawyer to attend every court appearance. Please tell your worker if you need an interpreter.

It is not likely that a final decision about your case will be made on the first court date. You may have to

go to court many times. Each case is different. Make sure your lawyer explains each step of your case.

What should I do next?

Write down your side of the story for the court. You have a right to tell the judge your side of the story by creating your own legal document; but you must follow certain rules and steps to do this.

In the legal papers that F&CS has given you, you will find a blank Form 33B.1: Answer and Plan of Care. You should ask your lawyer to help you fill out this "Answer" form within 30 days. It tells the judge your side of the story and what you want for your children.

How do I find a lawyer?

If you cannot pay for a lawyer, you may be able to get legal aid. To find out more about legal aid:

- Legal Aid Ontario, 519-824-0170, 11A Suffolk St. East in Guelph
- If you can't find a lawyer, you can call the Lawyer Referral Service at 1-800-268-8326. Be sure to say that it is a "Child Protection" case.
- You can also get FREE legal advice at the "Family Law Information Clinics". They operate from the Guelph Family Courthouse at 36 Wyndham St. South Friday mornings, 9 a.m. to noon (no appointment necessary).
- Visit their website for more information about their services: www.attorneygeneral.jus.gov.on.ca (under services choose family justice then choose family law information centres).
- FREE legal help is also available on Family Court days (starting at 8:30 a.m. at the courthouse) for anyone who has a court appearance that day. Just ask where to find "duty counsel" and you will meet with a lawyer who will give you advice and go in the courtroom with you.