



Rights, Responsibilities and Resources for Métis Children and Families on Child Protection Matters

Revised January 2, 2015

*Acknowledgements and contributions from various sources such as;
Métis Family Support Representatives, Legal Aid BC, BC Office for Representative for Children and Youth.*

*Most importantly BC Métis Federation would like to give thanks to all the
Métis Children and Families who have walked through the processes to teach us all
how to work better and best with and for them.*



British Columbia Metis Federation 2015



Rights and Responsibilities for Our Métis Children and Families is directly connected to appropriate and accessible information and resources to empower and serve Métis families in successfully navigating the systemic processes around Métis children protection matters.

BCMF is working hard towards building resources and accurate information to best assist Métis families in taking the effective steps within a time sensitive processes to ensure inclusion of Métis culturally relevant programs and services to support Métis rights and responsibilities of our Métis children and families is protected.

Our Métis children, families, and community have rights which protect our Métis Culture and Identity within systemic systems.

The law says ministry should respect your child's family ties and Aboriginal identity.



Your family's rights..... The ministry and your children..



If a social worker from the Ministry of Children and Family Development or an Aboriginal delegated agency contacts you or visits your home, this means that they think your child might be at risk and are looking into it. This is part of the child protection process. (This is also called an investigation.) An investigation is very serious. It may result in the social worker taking your child from your home.

You, your family, and your community have rights. The law says ministry should respect your child's family ties and Aboriginal identity.

Table of Contents

CONTENT:

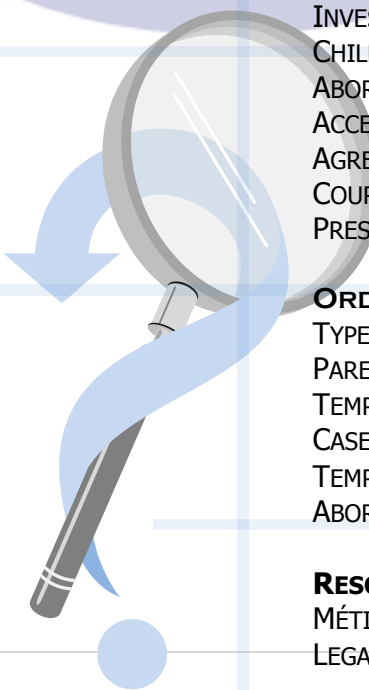
CHILD PROTECTION	3
INVESTIGATION STAGE.....	4
CHILD REMOVAL.....	5
ABORIGINAL REPRESENTATION.....	6
ACCESS.....	7
AGREEMENTS.....	8
COURT PROCEEDINGS AND STAGES.....	9
PRESENTATION HEARINGS.....	10

ORDERS:

TYPES OF COURT ORDERS.....	11
PARENTS RIGHTS AND PROTECTION STAGE.....	12
TEMPORARY AND CONTINUING ORDERS.....	13
CASE CONFERENCE AND PROTECTION HEARINGS.....	14
TEMPORARY ORDER.....	15
ABORIGINAL CHILD PROTECTION PROCESS DIAGRAM.....	17

RESOURCES FOR HELP

MÉTIS SPECIFIC SERVICES.....	18-21
LEGAL RESOURCES AND CONTACTS.....	22-28





Child Protection

What is child protection?

BC law says that if the ministry gets a report about your child, the ministry (or an Aboriginal delegated agency) must look into it. If the ministry believes your child is at risk, they must:

- go to court to get an order that supervises your child's care, or
- if necessary, take your child from your home.

This process is called child protection.

Child protection and Aboriginal families

BC law also says that:

- Aboriginal cultural ties are very important to the well-being of Aboriginal children.
 - When the ministry makes plans for an Aboriginal child's care, the ministry should respect the child's family ties and Aboriginal identity.
 - The community should be involved whenever possible in the planning and delivery of services. This includes preventative and support services.
 - The child's cultural identity must be considered when determining their best interests.
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What you can do if the ministry investigates you for a child protection matter?

Call Legal Aid

If a social worker from the ministry or an Aboriginal delegated agency contacts you or visits your home to ask you questions about your family, this means that they think your child might be at risk and are looking into it.

You have the right to get legal advice. Call Legal Aid immediately to find out if you qualify for a free lawyer:

604-408-2172 (Greater Vancouver)

1-866-577-2525 (no charge outside Greater Vancouver)

Ask for a mediator

A mediator can help you work with the ministry. A mediator is a professional who's specially trained to:

- not take sides,
- help people reach an agreement, and
- help people work out conflicts.

You can ask for a mediator as soon as the social worker has contacted you. You can also ask *at any time* during the child protection process.

Mediation is **free** for families that are involved with the ministry. Mediators can travel to remote communities.



What you can do if the ministry takes your child from your home

If the ministry takes your child from your home, you can:

- **Get legal advice *before* the day of court.** Call Legal Aid and an Aboriginal Service Provider immediately to find out if you qualify for a free lawyer and your rights to an Aboriginal Family Services Worker.
- Ask for visits with your child
- Work out a plan with your band or Métis community that supports your child's family ties and Aboriginal identity
- Ask to have your child placed with another Aboriginal family
- Ask for a mediator
- Ask for the **Report to the Court**, which explains why your child was removed.

What the ministry must do if it takes your child from your home

If the ministry takes your child from your home, it must:

- Notify your child's Aboriginal community representative (such as the First Nation's band)
- Take steps to preserve your child's family ties and Aboriginal identity when choosing a foster home



What your Aboriginal representative can do if the ministry takes your child from your home

If the ministry takes your child from your home, your Aboriginal representative can:

- Receive all records and information pertaining to your case
- Speak at the child protection hearing
- Call witnesses and question other witnesses
- Take part in any mediation
- Ask about ways to get you help

This information explains about child protection law. It tells you what you can do if the Director of Child

Protection removes your child from your home, or plans to remove your child. It describes what happens at court, and where you can get the help you need.

What the law says:

BC law says that the Director of Child Protection (the director) has to investigate all reports of children who may be in danger. If the director believes that your child isn't safe, the law says the director must do something about it.

A child protection worker (social worker), who works for the director, may remove (take) your child from your home if necessary.

If the child protection worker removes your child from your home, your child stays in care (often in a foster home) until the director or a judge decides to return your child to your home

The director (or someone who works for the director) must give a Report to Court (a written report presented in court) within **seven days** from when your child is removed.

The report explains why the child protection worker removed your child. You have a right to tell the judge what you want for your child.



What you can do?

Talk to a lawyer as soon as possible

If the director removes your child from your home or you think this may happen, get a lawyer right away

A lawyer can help you work out an agreement with the director for your child's care, explain papers you're asked to sign, and go to court for you.

Ask for access

If the director removes your child from your home, Immediately ask for access (visits) so that you can spend time with your child in foster care. Access is very important for you and your child.

Ask the child protection worker who removes your child about access to your child.

If the child protection worker doesn't give you access, ask the judge when you first go to court

Get a copy of the director's Report to Court and all other papers about your child's removal from your home.

Read: Parents' Rights, Kids' Rights: A Parent's Guide to Child Protection Law in BC
online at
www.lss.bc.ca/publications/pub.php?pub=77

Find an advocate (Someone who knows about certain issues and laws and helps people) in your community. The advocate can help you with information and support.



Work out an agreement

Any time after an investigation begins; you can work out an agreement with the director for your child's care.

You can use one of these options:

- Meeting with the child protection worker — where you discuss with the investigating child protection worker the changes you will make that would allow your child to remain at home
- Family group conference — a meeting where you and other family members come together to make a plan for your child's care
- Traditional decision making — where you follow community or cultural traditions to solve family problems if your child is Aboriginal
- Mediation — a meeting with everyone involved where a mediator (neutral person with special training) helps you to solve problems and to make a plan for your child's care.

Go to every court appearance

It's important to show the judge that you care about your child. You can do this by going to every court hearing and case conference. If you do this, you can also tell the judge what you want for your child.

- A court hearing is a hearing in front of a judge in court. You may ask the judge to adjourn (postpone) the hearing if you haven't had a chance to get a lawyer.
 - A case conference is a less formal meeting with a judge at the courthouse.
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What happens when you go to court

You need to have a lawyer when you go to court. The issues are complicated, and you want to make sure the judge hears your side of the case.

There are two stages in the child protection court process in BC:

- Presentation stage
- Protection stage

Presentation stage

The director's Report to Court must say:

- why the director removed your child from your home,
- what other options the director considered first, and
- what the director's plan is for your child.

When this report is presented to the court (within ***seven days*** from when your child is removed), the presentation hearing begins.

The director ***must*** tell you the date, time, and place of this hearing as soon as possible.

If you go to the presentation hearing, the director ***must*** give you a copy of the Report to Court.



At the presentation hearing

After the director presents the Report to Court, the judge might make an order to send your child back to live with you without supervision. The court process then ends for you and your child.

Or the judge can make an interim (temporary) order that the director asks for. The interim order (see below) says how your child will be looked after temporarily, until the court decides about your child's care at the protection stage.

The first time you go to court. The judge will ask you if you agree with what the ministry wants to do:

- If you agree with what the ministry is asking for, the judge can make an order right away.
- If you want to apply for legal aid or want more time, the judge may reschedule the hearing.
- If you don't agree with what the ministry is asking for, the judge can schedule a full hearing to learn more about your case.

If the ministry:

- takes your child from your home, the presentation hearing must start within **seven days**.
- applies for a supervision order without removal, the presentation hearing must start within **10 days**.

In either case, the ministry will notify you of the hearing date.



TYPES OF ORDERS:

Interim orders

At the presentation hearing, the judge can make:

- an interim supervision order to send your child back to live with you under the director's supervision;
- an interim supervision order to place your child to live with someone else (often a relative or a family friend) under the director's supervision; or
- an interim custody order to put your child in the director's care (foster care).

Interim supervision order (your child stays with you)

Your child will live with you with the ministry's supervision. The order will include the supervision terms you must follow. The judge can make this order at the presentation hearing.

Interim supervision order (your child stays with someone else)

Your child will live with someone else (a family member or friend) with the ministry's supervision. The order will say how your child will be cared for.

The judge can make an interim order at the presentation hearing.

Interim custody order

Your child will stay in foster care for a certain amount of time. The order will say when and how you can visit your child. The judge can make this order at the presentation hearing.



Your Rights As a Parent If Your Child Is Taken

If you aren't in court for the presentation hearing, the judge must make the interim order based on the Report to Court.

If you're in court and don't agree with the interim order that the director asks for in the Report to Court, the judge may want you and the director to give evidence before making the order.

Hearing evidence takes time and usually must happen at a later date. If the interim order says your child won't be sent back to live with you, it should also say when you can see your child.

Protection stage

Within 45 days from when the judge makes the interim order, the protection hearing must start.

Ten days before the protection hearing starts, the director must give you a copy of the application for the kind of order the director wants the judge to make. The application must also have a plan of care that says how the director wants your child to be looked after.

It's important that you go to the protection hearing. If you're there, you can say if you agree or disagree with the order the director wants.

- If you agree with the order, the protection hearing ends.
- If you disagree with the order, the judge will schedule a case conference.

At a presentation hearing, the judge decides who will care for your child for a longer time period. The protection hearing usually follows the presentation hearing. The protection hearing must start no more than **45 days after** the presentation hearing ends. If you and the ministry agree about how your child should be cared for, the judge may make a consent order. This means you won't have to have a full hearing.



Temporary supervision order (your child stays with you)

Your child will live with you, but the ministry will supervise you. The order will include supervision terms that you must follow.

The judge can make this order at the protection hearing (above). The order will last for a specific length of time.

Temporary supervision order (your child stays with someone else)

Your child will live with someone else (a family member or friend) with the ministry's supervision. The order will say how your child will be cared for. You can apply for an access order.

The judge can make this order at the protection hearing. The order will last for a specific length of time.

Temporary custody order (your child is placed in foster care)

Your child must stay in foster care for a specific length of time. The judge can make this order at the protection hearing. You can apply for an access order.

Continuing custody order

The ministry becomes the permanent guardian of your child. You lose all your guardianship rights. This means you lose the right to make decisions about your child.

The judge will usually only make a continuing custody order if there's a serious problem that can't be fixed within a certain amount of time.

Sometimes you can get an access order even if your child goes into the ministry's continuing custody.



At the case conference

A case conference is a meeting of the director, the child's parents, and their lawyers. If your child is Aboriginal, a representative of your Aboriginal community may also be there.

- A judge will lead the case conference and try to settle the problem without hearing evidence.
- Everyone will sit around a table and be asked to talk about what they want for your child.
- If the case conference doesn't settle matters, the protection hearing will be scheduled for a later date in court.

At the protection hearing

Witnesses will be called at the protection hearing.

After the witnesses give evidence, the judge must first decide if your child needed protection when he or she was removed from your home.

- If the judge decides your child didn't need protection, your child must be sent back to you.
- If the judge decides your child needs protection, the judge will make a temporary order

The judge decides the term (for how long) the order will be.



Temporary orders

At the protection hearing, the judge can make:

- a temporary supervision order to send your child back to live with you under the director’s supervision;
 - a temporary supervision order to place your child to live with someone else under the director’s supervision;
- or
- a temporary custody order to put your child in the director’s care (foster care).

In the rare case when there’s a serious problem that can’t be fixed within the time the court allows, the judge might make a continuing custody order

. This means your child will stay in the director’s care (foster care) for an unknown length of time.

If you disagree with the judge’s order, talk to your lawyer right away. There are time limits to appeal so it’s important for you to act quickly.

NOTES:



The Aboriginal Child Protection Process

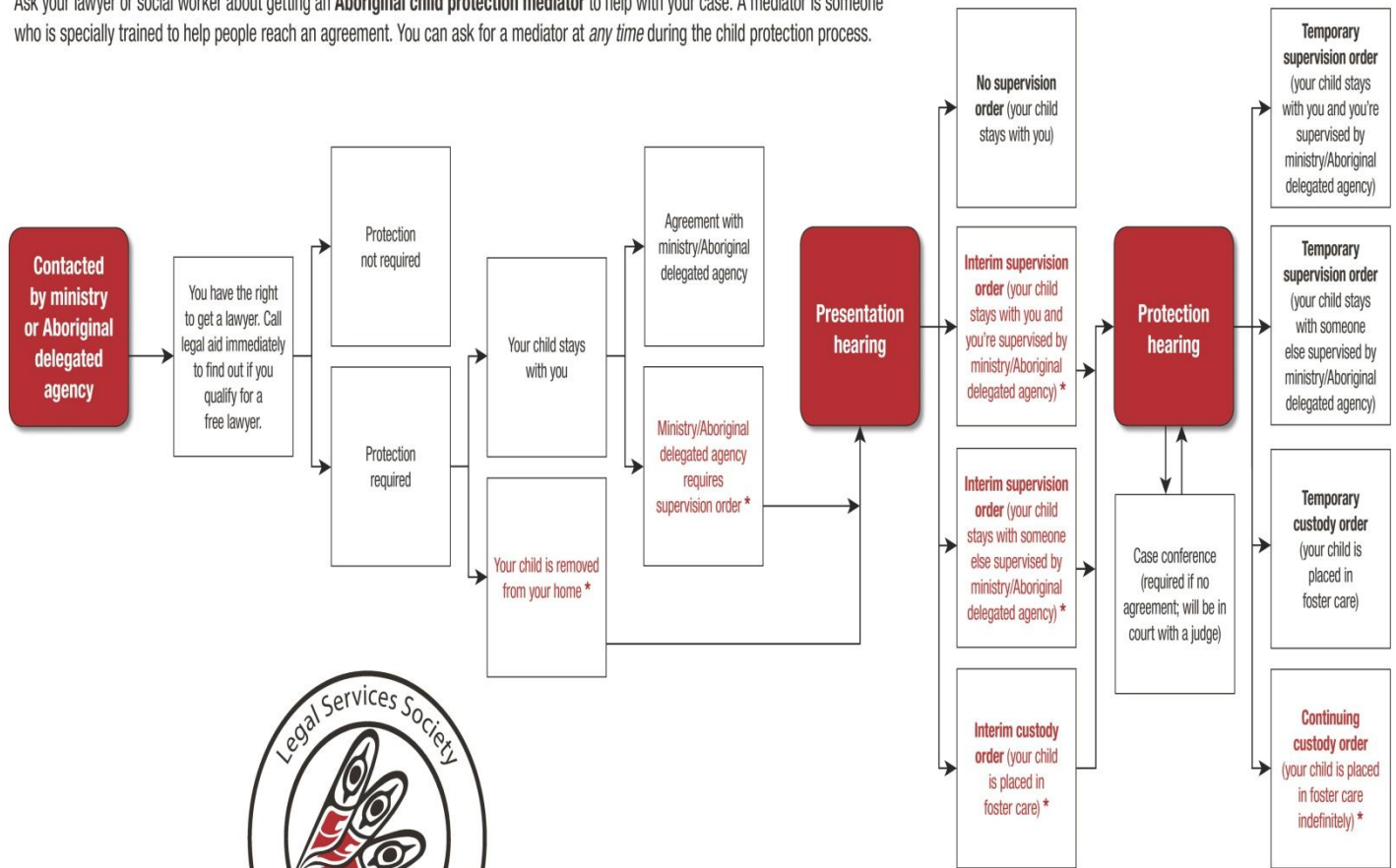
If a social worker from the ministry or an Aboriginal delegated agency contacts you or visits your home, **you have the right to get a lawyer.** The social worker may remove (take) your child from your home. Call legal aid immediately to find out if you qualify for a free lawyer.

Legal Aid

604-408-2172 (Greater Vancouver)

1-866-577-2525 (no charge outside Greater Vancouver)

Ask your lawyer or social worker about getting an **Aboriginal child protection mediator** to help with your case. A mediator is someone who is specially trained to help people reach an agreement. You can ask for a mediator at *any time* during the child protection process.



* Ministry/Aboriginal delegated agency must notify your child's Aboriginal organization

Your child's Aboriginal organization may be a band, friendship centre, treaty First Nation, Aboriginal community, Aboriginal organization as listed in the Child and Family Service Act regulations, or a Nisga'a Lisims government. Talk to your lawyer to make sure the right people in your child's Aboriginal organization are informed at the right time of decisions that affect your child.



Legal Services Society

March 2013



Resources for Services

Métis Commission for Children and Families of BC

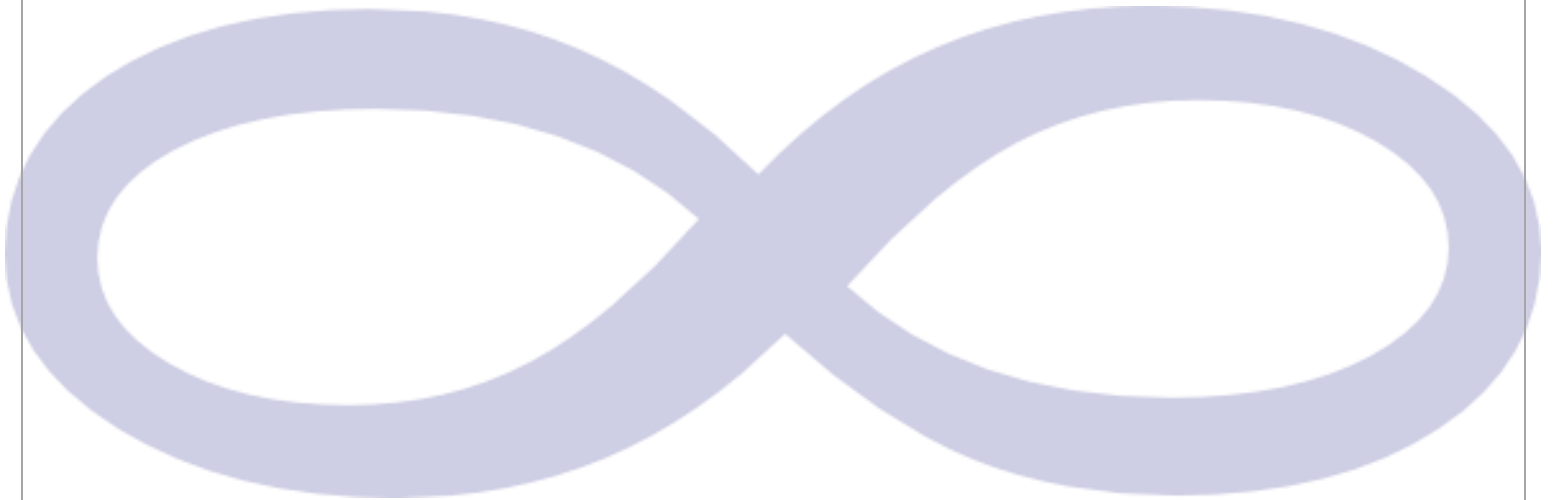
#9-111 Oriole Road,
Kamloops
BC, Canada
V2C 4N6

Phone: 1-250-372-8688

Fax: 1-250-372-9111

Toll Free: 1-877-606-3847

<http://www.metiscommission.com>





<p>Métis Family Services Surrey, BC</p>	<p>Contact Information</p> <p>Ph: 604-584-6621 Fax: 604-582-4820 13639 108th Ave Surrey BC http://metisfamilyservices.com/new/</p>
<p>Island Métis Family & Community Services Victoria</p>	<p>Contact Information</p> <p>Ph: 250-391-9924 Fax: 250-391-0038 345 Wale Road Victoria, BC V9B 6X2 www.metis.ca</p>
<p>Lii Michif Otipemisiwak Family and Community Services Kamloops & Merritt, BC</p>	<p>Contact Information</p> <p>Ph: (250) 554-9486 Fax: (250) 554-9487 707 Tranquille Road Kamloops BC V2B 3J1 www.interiormetis.ca</p>
<p>Métis Community Services Society of BC Kelowna & Vernon</p>	<p>Contact Information</p> <p>www.mcsbc.org</p> <p><i>Kelowna Office:</i> Ph: 250-868-0351 Fax: 250-868-0359 Suite 201 – 2949 Pandosy St. Kelowna BC V1Y 1W1</p> <p><i>Vernon Office:</i> Ph: 250-545-0350 Fax: 250-545-0354 2913B 29th Ave.</p>



	Vernon BC V1T 1Y8
Kikino Métis Children & Family Services Society Prince George, BC	Contact Information Ph: 250-563-1661 Fax: 250-563-1663 369 Victoria Street Prince George BC V2L 2J6 www.kikino.ca





Other Métis Service Providers

Dawson Creek Aboriginal Family Resources Society Dawson Creek, BC	Address: 1323 102 Avenue, Dawson Creek, BC V1G 2C8 Phone: (250) 782-1169
White Buffalo Aboriginal and Métis Health Society Kamloops, BC	Information: 517A Tranquille Road Kamloops BC V2B 3H3 Ph: 250-554-1176 Fax: 250-554-1157 http://www.whitebuffalosociety.ca Serving Aboriginal & Metis people in Kamloops and the surrounding areas.
Ktunaxa-Kinbasket Child & Family Services Society Cranbrook, BC	Information: 7472 Mission Road Cranbrook BC V1C7E5 Ph: 250-489-4563 Fax: 250-489-4585 Toll-Free: 888-489-4563 www.ktunaxa.org
Cariboo-Chilcotin Metis Association Serving Williams Lake and 100 Mile House areas.	AKA: Metis Services Williams Lake Contact Information: 6 -160 Oliver Street PO Box 6030 Stn Main Williams Lake, BC V2G 3W2 Phone: 250-392-4428 Fax: 250-398-5327 www.ccmawl.org
North Cariboo Métis Association Quesnel, BC	Information: 7 – 345 St. Laurent Ave Quesnel, BC V2J 2E1 Ph: 250-992-9722 Fax: 250-992-9721



Who can help with Legal Information?

Aboriginal Community Legal Workers

Aboriginal community legal workers are Legal Services Society (LSS) staff who can:

- give legal information and limited advice about:
 - family and child protection law,
 - Indian Residential Schools,
 - housing, and
 - Wills and Estates
- explain the legal process and other options such as mediation
- attend court with you
- help you prepare forms and letters
- participate in negotiations
- talk on your behalf to:
 - Ministry of Children and Family Development staff,
 - a legal aid lawyer,
 - duty counsel, or
 - your band
- give referrals to other services

Aboriginal community legal workers are available in the following communities:

<p><i>Duncan</i> Khowutzen Cultural Centre 200 Cowichan Way Duncan, BC V9L 3Y1 Phone: 250-748-1160 Toll-free: 1-800-578-8511 Hours: Wed: 1pm to 4pm Thu and Fri: 8am to 4pm</p>	<p><i>Nanaimo</i> Justice Access Centre 302 - 65 Front Street Nanaimo, BC V9R 5H9 Phone: 250-741-5529 Toll-free: 1-800-578-8511 Hours: Tue: 8am to 12pm</p>	<p>Tillicum Haus Health Centre 602 Haliburton Street Nanaimo, BC V9R 4W5 Phone: 250-753-6578 Toll-free: 1-800-578-8511 Hours: Tue: 1pm to 4pm</p>
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Legal information outreach workers

Legal information outreach workers (LIOWs) are Legal Services Society (LSS) staff who can:

- provide you with legal information and referral services by phone or in person;
- help you find legal information and self-help resources;
- give you printed legal information;
- refer you to other services such as duty counsel and other community services to get legal advice;
- visit community groups to talk about LSS services, where to find legal information and resources, and where to get legal help;
- answer questions at information tables at conferences and community events;
- collect feedback from community workers and the public about LSS programs and publications; and
- Assist Downtown Community Court and New Westminster First Nations Court clients.

Legal information outreach workers are available in the following communities:

<p><i>Prince Rupert</i> LSS Regional Centre Prince Rupert (Terrace Regional Centre satellite) c/o Government Agent Office 201 – 3rd Avenue W. Prince Rupert, BC V8J 1L2 <i>Phone:</i> 250-624-7701 <i>Toll-free:</i> 1-800-787-2511 <i>Hours:</i> Mon, Tue, Wed: 8:30am to 4:30pm Closed: 12pm to 1pm</p>	<p><i>Terrace</i> LSS Regional Centre Terrace Region 207 – 3228 Kalum Street Terrace, BC V8G 2N1 <i>Phone:</i> 250-635-2133 <i>Hours:</i> Mon to Fri: 8:30am to 4:30pm Closed: 12pm to 1pm</p>	<p><i>Vancouver</i> LSS Regional Centre Vancouver Region 510 Burrard Street, Suite 400 Vancouver, BC V6C 3A8 <i>Phone:</i> 604-408-2172 <i>Hours:</i> Mon, Tue, Thu, Fri: 8:30am to 4:30pm Wed: 8:30am to 12:30pm</p>
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Legal help

Access Pro Bono Law Clinics — Free legal help

<https://www.accessjustice.ca/public/clinics.asp?province=BC>

Clinics 604-878-7400 (Greater Vancouver) OR 1-87PROBONO4/1-877-762-6664 (Other Areas)

Family duty counsel — Free legal advice on family matters — Kwadacha and Tsay Key Dene
— Call **1-877-601-6066** (no charge)

Family duty counsel — Free legal advice on child protection matters — Williams Lake, call
778-395-6200

First Nations and Métis Outreach Program (The Law Centre) — Free legal help,
including family matters — Victoria

The Law Centre

225 - 850 Burdett Ave., Victoria, BC V8W 0C7

Phone: 250-385-1221

Hours: Drop-In Hours for the Law Centre are: Monday to Friday 9:30 a.m. to 12:00 p.m. and
1:00 p.m. to 3:30 p.m

Legal advice, representation or advocacy; Information or self-help; Counselling or support

Legal Aid BC — Free family advice clinics — Carrier Chilcotin Tribal Council and Williams Lake
— **604-681-8021**

Call our province-wide Call Centre at **604-408-2172** (Greater Vancouver) or **1-866-577-2525** (no charge outside Greater Vancouver).

All callers have an initial interview in which our staff asks questions to determine **eligibility** for our services.

Call Centre hours

9:00 am to 4:00 pm Mondays, Tuesdays, Thursdays, and Fridays

9:00 am to 2:30 pm Wednesdays



Applying in person to Legal Aid:

Offices across BC, It's a good idea to phone your local legal aid office or check the Legal Aid BC Website to find out the office hours.

Outreach to Aboriginal communities

Legal aid offices provide intake outreach services in the following communities:

- **Kamloops** — Adams Lake, Neshonilith, and Chu Chua
- **Nanaimo** — Qualicum, Snaw-naw-as, Penelakut, Lake Cowichan, Snuneymuxw, Malahat, Lyackson/Halalt, and Stz'uminus
- **North Vancouver** — D'Arcy and Mount Currie
- **Salmon Arm** — Splats'In
- **Victoria** — Tseycom Reserve, Esquimalt First Nation, and Port Renfrew Reserve

Native Court workers and Counselling Society — Advocate on behalf of Aboriginal Parents in Family Matters — Prince George and Terrace

Native Courtworker and Counselling Association of British Columbia

207 - 1999 Marine Drive
North Vancouver, B.C. V7P 3J3
Phone: 604-985-5355
Toll Free: 1-877-811-1190
Fax: 604-985-8933
nccabc@nccabc.net

Family and Youth Services (available in Prince George & Terrace only)

The Native Youth and Family Advocate program is to advocate on behalf of aboriginal parents who require guidance and support with family matters. A Family/Youth Advocate is someone who encourages, knows when to listen, cares, keeps confidences, withholds judgments, provides information and is a positive role model. The Family/Youth advocate will ensure that aboriginal families:

- Understand the family court process and are heard
- Understand and gain access to an appeal process in family matters
- Have access to community resources or services
- Have access to legal education
- Are informed on the needs and rights of aboriginal children and their rights to legal assistance
- Have access through negotiation, mediation, conciliation and other dispute resolution



SHED Legal Advocacy Services — Legal advocacy on a issues, including child protection
— Bella Coola

SHED Legal Advocacy Services

Provides legal advocacy and support to the peoples of the Bella Coola valley, Anahim Lake, the Western Chilcotin, and the outer Central Coast. Help with housing on reserve/RTA, debt, residential school, disability, police accountability, elder issues, child protection, income/social assistance, small claims, employment issues (on and off reserve), human rights, etc. Provides information, referrals and assistance with legal aid applications in criminal & family law matters.

Topics:

Aboriginal; Accidents & injuries; Alternatives to court; Consumer; Debt; Employment; Family law; Housing, tenancy & neighbours; Legal help & lawyers; Pensions, benefits & welfare; Personal planning; Privacy & access to information; Rights & citizenship; Wills & estates

Type of service

Legal advice, representation or advocacy; Information or self-help location
Located: 411 Mackenzie Street, Bella Colla, BC V0T 1C0

Phone:

250-799-0044
1-877-499-0044

Hours:

Tuesday, Wednesday, Thursday - 11AM to 5 PM

Upper Skenna Counseling and Legal Assistance Society —

Help with family matters —Hazelton

USCLAS strives to promote understanding of the law in the Hazelton Area by organizing community workshops and information booths aimed at increasing awareness of legal rights and responsibilities.

Telephone:	(250)842-5218
Toll Free:	1-877-842-5218
Fax:	(250)842-5987
Street & Mailing Address:	4305 Field Street, P.O. Box 130, Hazelton, BC V0J 1Y0



Legal Services Society

1-866-577-2525

www.lss.bc.ca

LSS Family Law Resources

www.familylaw.lss.bc.ca

Justice Education Society Family Law Resources

www.familieschange.ca

Pro Bono BC

www.probononet.bc.ca

Gitxsan Unlocking Aboriginal Justice Hazelton

250-842-5713

Smithers/Hazelton Native Court Worker

250-847-2133 ext. 260

Terrace/Kitimat Native Court Worker

220-638-8558

Northern Society for Domestic Peace

250-847-9000

www.domesticpeace.ca

Victoria Native Friendship Center— Has a free legal clinic, including family matters

roger@batchelorlaw.ca

www.batchelorlaw.ca

Phone: 250-412-7794

- Family Law
- Ministry Issues
- ICBC Claims
- Criminal Law
- Small Claims
- Disability
- Civil Litigation
- Landlord Tenant
- Employment issues



Mediation

Ministry of Justice — Child Protection Mediation Program

Mediate BC — has a list of child protection mediators in BC

Mediate BC Society

Suite 177 – 800 Hornby Street
Vancouver, BC V6Z 2C5

Mediate BC Head Office

General Inquiries
Mediator Roster Program
Public Education
Training & Development
Family mediation mentoring program

Call toll-free: 1-888-713-0433

Local: 604-681-6050

Fax: 604-681-6080

Court Mediation Program

Call toll-free: 1-877-656-1300
Local: 604-684-1300
Fax: 604-684-1306

Family Mediation Services

Call-toll-free: 1-877-656-1300

