



*Li taan paasii. Li taan ki vyayn.
From our past. For our future*

Child Youth & Family

Fall Online Education & Awareness Series

2024

How To Look After Yourself During Court Procedures and What Does it All Mean?

September 26, 2:00pm–3:30pm

- Introductions
- Definition of terms mean- Temporary custody orders (TCO), Continuing Custody Orders (CCO), Supervision Orders, Voluntary Care Agreement (VCA) –Court Terms
- Who are the supports within your communities- this can be Metis service providers, family support services, legal aid and duty counsel
- How to look after yourself during these processes- discussing about attending court, what questions to ask your supports
- Staying healthy during the court processes and procedures

Definitions:

- Voluntary Care Agreement (VCA)-A voluntary care agreement is an agreement for your child to be in foster care for a limited time, and not due to a child protection concern. These agreements are generally entered into when there is a specific, short term crisis which prevents you from caring for your child. It is common to see these agreements when a single parent requires admittance to the hospital for a treatment program, or if a parent is facing incarceration.
- Temporary custody orders (TCO) -Temporary custody of a person other than a parent (child with grandparent) The child is placed with someone other than a parent, like a grandparent, through a temporary custody order. The ministry keeps supervising the grandparent and child. The temporary custody order has time limit

Definitions:

Consent order

If you and the social worker agree on a plan of care for your child, the judge might make a consent order. A consent order means the judge doesn't have to decide your child needs protection. The court won't have in its record that your child needed protection.

If your child is 12 or older, they have the right to be part of the discussion about a consent order. If possible, get legal advice for your child.

If you agree to a consent order, you don't have to return to court unless your situation changes. In most cases, both parents have to agree before the judge can make a consent order.

Definitions:

- Continuing Custody Orders (CCO)- A continuing custody order is made when a. temporary custody order is about to end and the circumstances that led to the removal of the. child have not changed. If your situation changes after the judge makes a continuing custody order, you might be able to go back to court to have the order cancelled.
- Even if a continuing custody order is made, other family or friends can still ask the guardianship social worker to transfer the child to their care.
- Interim Supervision Orders-Interim supervision order — your child stays with you-your child lives with you, and the ministry or delegated Aboriginal agency supervises the care you give your child. Your lawyer and the ministry or delegated Aboriginal agency lawyer usually negotiate this order, with agreement from you and the social worker. This order includes conditions you must follow.

Who are the supports within your communities?

- Community Supports:
- Doctors and Nurse Practitioners
- Elders
- Support Programs (Elders, Youth, Men, Women, Family)
- Church supports
- Non-Profit Organizations
- Government Services – Legal Aid, Duty Counsel
- Friends, Family
- Cultural and Spiritual Supports and People

How do I look after Myself? What Do I Do?

If a social worker from the Ministry of Children and Family Development (ministry) or a delegated Aboriginal/Metis agency contacts you about a child protection matter, this might be a stressful time for you.

- The first step in any situation is remember to breath, stay as calm as you can and connect with a support in your community
- Find someone that can be an advocate for you and your family
- Seek out legal counsel
- The parents have the right to tell their side of the story and to ask questions. They also have the right to bring a lawyer (or someone else) to meetings with the child protection worker. The family must be given as much information as possible about the investigation and the available support services.

If the ministry or delegated Aboriginal agency is investigating you, you can:

- Call Legal Aid BC
- Connect to a Lawyer if you have the funds
- Contact your Aboriginal community to get a representative, and ask for an Aboriginal child protection mediator (someone specially trained to help people reach an agreement)

Presentation Hearing:

There must be a presentation hearing in Provincial (Family) Court within seven days of a child being removed from the home.

At this court appearance, the director must tell the court:

- what led to the child's removal, and
- what other measures the director considered before removing the child.
- The child's guardians may disagree with the removal. The court has to decide if the child should be returned home. If the answer is "no," the child stays in the care of the director until another court appearance, called a protection hearing, is set. This often occurs months later, and it is important that a child's guardian get legal advice beforehand. At that hearing, the court decides whether the child needs protection.

Protection Hearing:

- At the presentation hearing, the court may decide that the director should have custody of the child until the protection hearing. There, the court decides if the child needs protection or not, and who will care for them in the future.
- The protection hearing must start no more than 45 days after the presentation hearing ends. At least 10 days before the protection hearing, the child protection worker must give the parents:
 - a document saying what kind of court order they'll be seeking, and
 - a plan of care saying how the child will be looked after.

What if I don't agree?

- If, at the beginning of the protection hearing, the parents and child protection worker can't agree on what should happen next, the judge will adjourn the hearing and order a case conference. This is a meeting of the parents, the child protection worker, their lawyers, and a judge. All of them discuss the case and see if they can reach an agreement.
- The judge may also adjourn the hearing to allow a mediation to take place. In this process, two people in conflict meet with a neutral person — a mediator — who tries to help them find a solution they agree on. Mediation is often faster than a case conference.
- Mediation might be a solution for streamlining processes that would not take long to implement.
- Mediation would create a bridge between communities and families and the courts.
- How a child's guardian deals with a protection hearing will often depend on what order the director is asking for. The director must seek the least intrusive option but can ask for protection orders of a certain length depending on the child's age.

What to think about when preparing for Court:

Court orders are very specific. That means they include a lot of small but important details. It's important to be clear about what you really want so the judge has enough detail to make the order you want.

Take some time to sit down and think about:

- Why you're going to court
- What you hope to get out of going to court
- Write down things you might think a Judge may need to know- keep notes on what you hear and want to say to your advocate
- Think about the questions you want to ask your lawyer, advocate or Family support worker

What Can I Do? Continued...

Once you have a clearer idea about what you want, make a list of what orders you want.

Give as much detail as you can. For example:

If you want more time with your child, write down:

exactly what days and times you want to be with them, and exactly how you'll pick up and drop off the child.

If you want child support:

read the Child support page and

work out how much support you want to ask for.

Be Patient with Yourself...

- Be patient
- Be prepared for things to change at the last minute. That can be upsetting but try to stay calm and be patient

The trial might:

- take longer than you'd hoped, or
- be switched to another time or even another day

Be Patient with Yourself...

Make sure:

- you don't have anything else important planned for the day,
- you've arranged for your children to be looked after, and
- you bring something to read or do in case you have to wait for a long time.
- You may have to attend court more than once; you might see a different judge each time. That means you'll likely need to tell your story all over again. Even if you feel you're repeating yourself, try to stay calm.

Self- Care:

- Physical- Sleep, diet, exercise
- Mental- try to journal, read, paint, draw
- Emotional-talk about what you are feeling to someone that is a healthy support
- Spiritual- this can be anything that grounds you –creates peace and relaxation

Cultural Identity is Important:

- Protecting and keeping the cultural identity of Metis children is essential to their safety and well-being.
- Preserving their cultural identity is necessary when planning for a Metis child's care.
- The Metis community should be involved in the planning and delivery of services to Aboriginal families and their children.

Cultural Identity and Extended Family

Recognition of Indigenous Family Networks

- The traditional structure of Indigenous families has much larger familial networks compared to
- The colonial concept of the nuclear family. Indigenous cultures extend the concept of family to include aunts, uncles, grandparents, and even non-related community members who step in and act as guardians.

Who is Notified in Our Communities?

- Appropriate Metis organizations must be notified of child protection proceedings that involve Metis children.
- If appropriate, designated representatives of bands, Aboriginal communities, treaty First Nations, and the Nisga'a Lisims government have the right to become a party to a child protection hearing for a child from their community.
- A designated representative is someone chosen to speak for others.
- Metis Commission for Children and Families BC- Designate for BC

Who Are the Metis Designates and Service Providers:

The Metis Designate in legislation is the Metis Commission for Children & Families of BC

The Métis Commission for Children and Families of BC (MCCFBC) is identified within provincial legislation as being the designated representative for Métis children, youth, and families within the child welfare system throughout British Columbia.

This means that the MCCFBC sees every Métis child in the BC child welfare system through the court order process, ensuring that the child receives the support and services they need in a culturally safe and relevant manner.

Metis Child & Family Service Providers:

Lii Michif Otipemisiwak Family and Community Services (Kamloops)

www.lmofcs.ca

Toll Free: 1-888-554-9486

Métis Community Services Society of BC (Kelowna)

www.mcsbc.org

250-868-0351

Island Métis Family and Community Services Society (Victoria)

www.metis.ca

250-391-9924

Metis Child & Family Service Providers:

Métis Family Services (Surrey)

www.metisfamilyservices.ca

604-584-6621

Niwîkôwin Métis Family Services Society

www.niwikowin.ca

(250) 563-1661

Resources:

Federation of BC Youth in Care Networks

<https://fbcyicn.ca/>

The Representative for Children and Youth

BC's Representative for Children and Youth (RCY) advocates for children and youth in care. They can help you make sure your rights are respected.

<http://rcybc.ca/get-help-now>

Ombudsperson

The BC Ombudsperson investigates complaints about provincial and local governments. If you'd like to make a complaint about how you've been treated in custody, you can reach out to the Ombudsperson's office and they can investigate it.

<https://bcombudsperson.ca>

MCFD Complaints Process

If you are a young person in care who feels they didn't get the support they needed, were treated unfairly, or feel your rights have been ignored, you can make a complaint through the MCFD complaints process.

<https://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/child-family-service-complaints/children-teen-complaint-process>

Resources:

Investigation and Standards Office (ISO)

The ISO investigates complaints made by people in custody.

<https://www2.gov.bc.ca/gov/content/justice/criminal-jus-tice/iso>

Prisoners Legal Services

The West Coast Prison Justice Society operates Prisoners' Legal Services, a legal clinic for federal and provincial prisoners in BC. They promote the rule of law within prisons and the fair and equal treatment of prisoners.

<https://prisonjustice.org/>

The Public Guardian and Trustee

It is the Public Guardian and Trustee's job to protect the legal and financial interests of young people in the continuing custody of MCFD or a Delegated Aboriginal Agency.

<https://www.trustee.bc.ca/Pages/default.aspx>

Final Thoughts:

Thank you on behalf of the Child, Youth and Family Department for the BC Metis Federation

For a copy of this presentation please email the Director of Child, Youth and Family:

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