

Going into the Care of a Children’s Aid Society (CAS)

See also: Being in the Care of a Children’s Aid Society (CAS)
Leaving Home (for 16 and 17 year olds)



OVERVIEW

This pamphlet provides information for a young person under 16 who is about to become involved with a Children’s Aid Society in Ontario.

The three main stages of Children’s Aid Society (CAS) services that will be covered are:

- I. Being removed from your home and brought to a safe place
- II. Preparing for court and the court trial
- III. Things that happen after going to court



This symbol indicates additional information that applies if you are **First Nations, Inuk or Métis**. You should let your CAS worker know if you have Indigenous ancestry, are a member of or self-identify with an Indigenous community or communities.

STAGE 1. BEING REMOVED FROM YOUR HOME AND TAKEN TO A PLACE OF SAFETY

This section explains why and how you might be taken to a safe place, and what happens in the first few days.

What is a Children’s Aid Society (CAS)?

A Children’s Aid Society (CAS) is an organization that makes sure children are safe and protected from harm.

What does it mean to be “taken to a place of safety”?

Being “taken to a place of safety” means that you are taken out of your regular home if that environment is harmful to you. The CAS becomes responsible for taking care of you and may mean that they will find a new place for you to live until a judge can decide if you should go home or live somewhere else.

At what age can I be taken to a place of safety?

The CAS can only take you to a place of safety up to the age of 16.

If your parent is having difficulty taking care of you, they can ask CAS for help for a short period of time. This is called a “temporary care agreement”. If you are 12 years or older, CAS cannot use a temporary care agreement unless you give your permission.

If you are 16 or 17, and you believe you are in need of protection, you can contact a CAS and ask for help. You can enter into a Voluntary Youth Service Agreement (VYSA) with the CAS. Before you sign a VYSA, you will be given legal advice from the Office of the Children’s Lawyer. (See JFCY’s Leaving Home pamphlet).

Can CAS take me into care without my parent’s permission?

Yes, CAS can bring you to a place of safety without your parent’s permission if the CAS thinks that your parent has (or will hurt you in the future) or you are not safe with your parent. In these cases, CAS can take you into care without your permission.

Some examples of behavior by a parent that can lead to you being taken to a place of safety:

- Physically hurting you
- Emotionally hurting you
- Sexually harming you
- Not giving you enough food, or clothing, or shelter
- Not giving you medical treatment that you need
- Ignoring your needs as a child, including your school needs
- Not helping you with a medical or developmental condition
- Abandoning you

Do I have a say in what happens to me?

A CAS worker will be assigned to you. You always have the right to tell your worker what you want. The CAS worker should listen and consider what you say to them, but you will not always be allowed to get what you want.

If you are taken to a place of safety, the judge can appoint the Office of the Children’s Lawyer (OCL) to be involved in your case. This means that you will either be given an OCL lawyer to represent your views and wishes; and/or that an OCL social worker will prepare a report for the judge on what is in your best interests.

The judge will consider what the OCL lawyer and/or OCL report says and then decide if you have to stay in CAS care or if you can go home. If you don't want to be in CAS care, you can tell the judge the reasons you don't want to be taken to a place of safety. Your lawyer can help you to talk to the judge in court or help you to write a letter to the judge.

What if I want to be taken to a place of safety but the CAS won't take me?

If you asked the CAS to take you to a place of safety and they said no, you can ask a judge to make an Order for CAS to take you into care. You will need to go to court and explain why you need to be taken to a place of safety. If this is what you want to do you should contact a lawyer for advice. Only certain lawyers deal with this type of case - *see end of this pamphlet for options.*

Where will I live if I am taken out of my home?

If you are taken out of your home, the CAS will make sure you are properly cared for and will pick one of these options for where you live:

1. With an adult you already know and trust - called "Kinship Care": this is usually a relative or a close family friend.
2. With a member of an Indigenous community – called "Customary Care" where you may live with a member of one of the Indigenous communities that you are a member of or self-identify with.
The logo is a circular emblem divided into four quadrants: top-left is black, top-right is yellow, bottom-left is red, and bottom-right is white.
3. In a foster home: a home with another family. The foster parents will treat you as part of their family and will take care of you like one of their children. Sometimes there are other children there who are also in care. Foster families are chosen by CAS.
4. In a group home: a larger home with other children who are also in care. The home is managed by staff who will take care of you and may also offer some special programs and events for you to participate in.
5. In a special facility: in rare cases you might live in a special facility that will try and help you with any special needs you may have.

How long will I stay in one of these new places?

You may stay in the place that CAS has chosen for you until the judge makes a decision in court about whether you should stay in care. Every case is different. Sometimes you will:

- only have to stay for a few weeks or months and then return to your regular home when it is safe, or
- have to stay for a short while and then move to another place, or
- have to stay in this place until you become an adult.

You should talk to your CAS worker and your lawyer to find out what is likely going to happen in your situation.

STAGE II. PREPARING FOR COURT AND THE COURT TRIAL

This section is about what will happen after you have been taken to a place of safety, whether there will be a court trial and what your role will be if there is a court trial.

Part A: Preparing for Court

Will there be a court case for me?

It depends. There will not be a court case if:

- Your parent gave CAS permission to take you to a place of safety, or
- Your parent talked to CAS and agreed on the right way to take care of you properly.

There will be a court case if:

- Your parent did not give CAS permission to take you to a place of safety, or
- The CAS has concerns that you are not safe and at risk of harm staying with your parent.

You have a right to have your views and wishes considered at every stage of this process.

How long will it take before the court case starts?

Within 5 days of taking you to a place of safety, the CAS must start the court case and there will be a temporary decision made by a judge on where you will be placed. After the case starts, it can last for many months.

Can I go to court when the judge is hearing my case?

If you are 12 years or older, you have the right to be told in writing about the court case (called “a notice”) and a right to be in court when the judge is hearing your case. The only time that you are not allowed to get notice or go to court is if the judge decides that you will be emotionally hurt by going to court. If you want to go to court for your case, you should tell your CAS worker and your lawyer.

Will I get a lawyer?

It depends. The first time your case goes to court the judge will decide whether or not to appoint the Office of the Children’s Lawyer (OCL) to represent your views and wishes. Sometimes you will be given an OCL lawyer; and other times you will meet with a social worker from the OCL office and they will prepare a report to give to the judge about your case. If you are 12 years or older, the judge will probably give you a lawyer. If you are younger than 12 years old, you might still get a lawyer.

If you do have an OCL lawyer, their job is to listen to you, protect your rights, and help you participate in your court case. You should tell your lawyer anything that you want the judge to know about.



Will my First Nations, Inuit or Métis community be involved in the case?

The Indigenous community(ies) that you self-identify with must be notified about the court case, even if you don't live with one of them. The CAS has to ask your Indigenous or community(ies) about other ways to solve the safety concerns of CAS without going to court.

If you still end up going to court, the judge must think about your culture, heritage and traditions and make a decision that helps to protect your cultural identity and connection to community. A representative of your Indigenous community can participate in the court case. If you want help getting your Indigenous community involved in your case, call Aboriginal Legal Services or Justice for Children and Youth – *see end of pamphlet.*

Who else gets to be in court for my case?

These kinds of court cases are always held in private so that your privacy is protected. Only the people involved have a right to know what is happening in your case. Other than you and your lawyer, the people who can be in court include:

- your parent(s) and your sibling(s) and their lawyer(s),
- the CAS worker and their lawyer,
- your foster parents or the adult who has been taking care of you since you were taken to a place of safety,
- a representative from your Indigenous community(ies) and their lawyer, and
- anyone else that everyone agrees to having there and the judge allows it.

Part B: Preparing for a Court Trial

Will the trial happen the first time my case goes to court?

If there is a trial in your court case, it will not happen on the first day your case is in court. On the first court date, the CAS will give the judge a summary of why you were taken into care. The judge will decide where you should live until the next court date.

Before the next court date, the judge will ask the lawyers to get more information (or “evidence”) before making a final decision. The judge will tell everyone to come back to court on a date when all the information is ready. These types of court appearances can happen many times before your case is ready for trial because of the different steps outlined below.

What other kinds of things will the judge do before the trial starts?

Before a trial there are three types of meetings with a judge that can happen:

1. **Case Conference** – in this meeting the judge tries to find out if everyone has shared all the important information with each other. The judge will also try to find out if there are things that everyone might agree on.

2. **Settlement Conference** – this is a meeting with a different judge who is not the trial judge. In this meeting the new judge will try to see if everyone can agree about where you should live. If everyone agrees, then the case could end. If everyone does not agree, the judge will try to see if everyone can agree about some other things so that the trial can be shorter.
3. **Trial Management Conference** – this is the final meeting with the judge before the trial begins. In this meeting the judge will make sure that everyone understands who will be at the trial, how the lawyers will give the judge information (or “evidence”), and how long the trial will take.

Are there any meetings that can happen without the judge?

In some cases there can be mediation. The judge is not involved in a mediation. The person in charge is a mediator, who is trained in helping people to talk to each other about issues. The mediator will ask your parent and CAS what they want. You or your lawyer can also tell the mediator what you want. The mediator will see if everyone can agree about what should happen in your case.



If you are First Nations, Inuk or Métis, the mediation can involve any special processes that your Indigenous community(ies) has for resolving these kinds of issues.

If you do not agree with what everyone else is suggesting, you must tell your lawyer so that they can try to work out a different solution.

If everyone agrees at mediation, then the lawyers will tell the judge. The judge will usually cancel the trial if everyone agrees.

What kinds of things will be prepared before trial?

An Assessment is a report on something that the judge wants to know. For example, the judge may want to know about the way your parents take care of you or how you are feeling emotionally. The person writing the report will likely ask you questions. The judge will make sure that the person writing the report is qualified to write this kind of report. You generally have a right to see this report unless the judge feels it would harm you to read it. If you do not agree with something in the report, make sure you tell your lawyer.

A Plan of Care is a document that the CAS and parent(s) use to describe the services that CAS will give to you and your family, this will include where you will live. You have a right to express your views and wishes; and the judge must read this document before making a decision.

Part C: Going to Court – the Trial

What is the trial about?

If there is a trial in your case, the trial will focus on two different things:

1. The first part of trial is to answer the question: **Do you need protection?**
The judge will decide if your home is safe and your needs are being met.
2. The second part of trial is to answer the question: **Where should you live?**

Will I have to speak in court?

Speaking in court is called “testifying”. Usually you will not have to testify. Testifying can be very stressful, especially for children and young people. Judges usually don’t want children or young people to go through the stress of testifying.

Your lawyer can speak for you by telling the judge where you want to live, why you want to live there, and how you felt when you were living in your home.

How does a judge decide if I need protection?

The judge will make a decision based on the evidence in Court. The evidence will be about you, your parents, and your home. The judge will decide if your home is safe and your needs are being met. One example of the type of evidence the judge might look at is an assessment (as described in the previous section).

Who will be responsible for taking care of me after the trial?

If the judge does not think you need protection, then the judge will let you go home.

If the judge thinks you need protection, then the judge will decide who should take care of you and where you should live. The judge will order one of these things:

- **Supervision Order** – your parent or another adult you know or a member of an Indigenous community you identify with is in charge of taking care of you but the CAS supervises that person. Supervision orders can last until you are 18 years old.
- **Society Care Order** (called “Society Ward” before) – your parent is temporarily not in charge of you. The CAS is in charge of taking care of you. Society Care Orders can last for a maximum of two years. If you are still being taken care of by the CAS after two years, then the judge will have to decide what to do next, but often the judge will decide to make you a Child in Extended Society Care.
- **Extended Society Care Order** (called “Crown Ward” before) – the CAS is in charge of taking care of you; and your parent will no longer be in charge of you.

Where will I live after the trial?

If there is a Supervision Order, you may live at home with your parent or in a kinship placement.

If there is a Society Care Order or an Extended Society Care Order, you will usually live in either a foster home, a group home, or a special institution. These places are described in the first section of this pamphlet.

Will I see my family members again if I don't get to go live at my original home?

The judge can decide that you can have visits with your family members, this includes your parents and siblings. This is called an "Access Order".

In making their Access Order decisions, the judge must decide what is in your best interests and will consider whether the relationship between each person and you is beneficial and meaningful to you. If you are over 16, your consent is required for any Access Orders to be made.

If you are in Extended Society Care, then the judge will also consider whether the family relationships will make it hard for you to be adopted by another family.

STAGE III. THINGS THAT HAPPEN AFTER COURT

This section is about what happens after a decision has been made about whether you stay in CAS care.

What if I don't agree with the judge's decisions?

In some situations a new judge can look at your case to see if the first judge made the right decision – this is called an "appeal". In most situations only the CAS or your parent are allowed to appeal. But in some situations you might also be allowed to appeal. You should talk to your lawyer to see what is allowed in your case.

Will someone automatically check up on me to make sure everything is okay?

If the judge makes a Supervision Order, or if the judge puts you in Society Care, then the judge will make the CAS come back to court at a later date to give the judge an update about your situation. After the update from CAS, the judge will decide if you still need protection and where you should live.

What can I do if I don't want to be in care anymore?

If you do not want to be in care anymore you can ask the judge for a "status review" where the judge will look at your situation again to see if anything has changed. If your home is now safe and your parent is able to take care of you properly, the judge can let you go home.



If you are First Nations, Inuk or Métis, a representative from your Indigenous community(ies) must be told about the status review. The representative(s) can also participate in the status review.

FOR MORE INFORMATION

Office of the Children's Lawyer: www.attorneygeneral.jus.gov.on.ca/english/family/ocl/

Family Law Information Centres:

www.attorneygeneral.jus.gov.on.ca/english/family/infoctr.php

TO TALK TO A LAWYER

Justice for Children and Youth (17 years and under) - www.jfcy.org, 1-866-999-5329

Lawyer Referral Service - www.lsuc.on.ca, 1-800-268-8326 (up to 30 min free advice)

Legal Aid Ontario - www.lao.on.ca, 1-800-668-8258

OTHER CONTACTS

Kids Help Phone - www.kidshelpphone.ca (with live chat option), 1-800-668-6868
Phone and on-line support and information (under 20)

211 Ontario Community and Social Services Help Line - www.211Ontario.ca, dial 211 from any phone in Ontario

LOCAL CONTACT INFORMATION:

(Courts and service providers can help fill this in with helpful information)

My CAS worker's name & phone #: _____

Family (Child Welfare) Court address & phone #: _____

My OCL lawyer's name & phone #: _____

Other: _____

This pamphlet gives general information about
Going into the Care of a Children's Aid Society. Speak to a lawyer or legal
worker about specific questions. February 2020.



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