

Know Your Legal Rights



Are you or a family member involved with a children's aid society in Ontario? Here is some information about legal rights and available resources.

What are my rights as a youth in care of a children's aid society (CAS)?

- You can be involved in important decisions about your medical treatment, education, training, work programs, religion, transfer to another residence or your discharge. This means you have a right to be consulted and express your preferences.
- You can visit or speak in private with your family, unless a court order does not allow it or a court order allows the CAS to make decisions about family visits on your behalf.
- You can also speak in private with, and have visits from, your lawyer, the Provincial Advocate for Children and Youth, a member of the provincial legislature or another person representing you.
- You have the right to reasonable privacy and possession of your personal property.
- You have the right to nutritious meals, regular medical and dental care, appropriate good quality clothing and to take part in recreational sports and activities.
- You have the right to practice your religion and learn more about it.
- You have the right to know about the process for addressing complaints regarding your rights in care.
- You have the right to know about the Provincial Advocate for Children and Youth, his/her role and how to contact him/her (see next page for more information on the Provincial Advocate).

How do I file a complaint about a CAS?

- Contact the CAS directly. All CASs must have a complaint review process. You can learn more about this process at: <http://www.ontario.ca/ccnv>.
- Contact the Provincial Advocate for Children and Youth at 1-800-263-2841 or (416) 325-5669 or visit: <http://provincialadvocate.on.ca>.
- Contact the Child and Family Services Review Board. This independent body can review some complaints or CAS decisions. The board can be reached at 1-888-728-8823 or (416) 327-4673 or through its website: <http://www.cfsrb.ca/>.

What does the Office of the Children's Lawyer (OCL) do in child protection cases?

The OCL has lawyers across Ontario who can represent children and youth in child protection cases in court. They can also help with related matters, such as Alternative Dispute Resolution (ADR), complaints about services received from a CAS, and adoption and openness cases.

The OCL lawyer's role is to independently represent the views and interests of the youth. The lawyer provides information to the youth about the legal process, gives legal advice about the options that are available, and advocates for the youth in court and other processes, such as in ADR or hearings before the Child and Family Services Review Board.

The OCL also provides lawyers for parents who are under 18 years old.

Anyone involved in a child protection court case can ask the judge to appoint a Children's Lawyer.

You can contact the OCL by calling (416) 314-8000 or at: <http://www.ontario.ca/ccnw>.

How do I find a lawyer?

The Law Society of Upper Canada can help you find a lawyer. Call 1-800-668-7380 or (416) 947-3300 or visit <http://www.lsuc.on.ca/find-a-lawyer-or-paralegal>.

You can also use the Law Society Referral Service, which gives you the name of a lawyer or paralegal in or near your community who can help you understand your rights and options. You can get up to 30 minutes of free advice from this lawyer. This is an online service and you can access it 24 hours a day. Please visit: <http://www.lsuc.on.ca/lsrc> and mention that you are looking for information about a child protection case.

You may also qualify for Legal Aid, which helps people with low incomes who need legal representation. Learn more by calling: 1-800-668-8258 or (416) 979-1446 or visiting: <http://www.legalaid.on.ca/en>.

If you are under the age of 18, or are homeless and under the age of 25, and in need of a lawyer or have questions about your legal rights, you may wish to call Justice for Children and Youth at 1-866-999-5329 or 416-920-1633, or visit their website at: <http://jfcy.org/en>.

What does the Office of the Provincial Advocate for Children and Youth do?

The Office of the Provincial Advocate for Children and Youth is an independent voice for children and youth across the province receiving services under the Child and Family Services Act: <http://www.ontario.ca/ccnx>

The Provincial Advocate has the authority to receive and respond to complaints, conduct reviews, represent the views and preferences of children and youth, make reports and provide recommendations.

The Provincial Advocate also has the ability to investigate matters relating to services provided by CASs and residential licensees, where a CAS is the placing agency.

The Provincial Advocate does not provide legal advice or legal representation.

For more information please visit: <http://provincialadvocate.on.ca> or call toll free: 1-800-263-2841.

What is Alternative Dispute Resolution (ADR) in Child Protection?

ADR is an alternative method of resolving a dispute in ways other than the court process. It is collaborative and works by finding common interests and inclusive ways to solve a dispute. It could involve child protection mediation, family group conferencing or Aboriginal Approaches.

You can discuss ADR with your CAS worker or lawyer if you think it will help or to obtain more information.

Where can I get more information?

If you are involved in a child protection court case and need more information about what to expect during the process, please review the "What You Should Know About Child Protection Court Cases" booklet, available here: <http://www.ontario.ca/ccny>.

CASs also have information pamphlets available on site. For a list of all CASs in Ontario, please visit: <http://www.oacas.org/childwelfare/locate.htm> or call 1-800-718-1797.

For information regarding Family Law Information Centres and the services they provide, please visit: <http://www.ontario.ca/ccnz>.