

<i>Child Protection Act R.S.P.E.I. 1988, Cap. C-5.1</i>	Program	Child Protection	
	Subject	Apprehension	Policy # 1.9
Effective Date: July 5, 2010		Authorized by: Carol Anne Duffy	
Revised Date: July 18, 2013		Deputy Minister	

1.0 PURPOSE

- 1.1 Delegated Child Protection Social Workers have the authority to apprehend a child in situations where a less intrusive option is not available to provide for the protection of the child.

2.0 POLICY STATEMENT

- 2.1 The decision to apprehend a child requires a Change of Legal Status Meeting prior to the apprehension except in an emergency situation where time may not allow or during After Hours Emergency Child Protection Services. In those circumstances, all information will be reviewed at a Change of Legal Status Meeting no later than the following business day.
- 2.2 When a child is Aboriginal or is believed to be Aboriginal and entitled to be registered as a member of a band, the designated representative of the band shall be notified of the plan to apprehend or that the child has been apprehended.
- 2.3 In situations where police assistance is required, the Child Protection Social Worker will contact the appropriate police agency to advise of the situation and request assistance.
- 2.4 The plan for the apprehension will include but not be limited to: the child's best interest; parent's understanding of the present child protection concerns; the parent's ability to assist with the child's removal and /or placement; known or additional risk factors concerning the safety of child and staff; and, if police assistance is required.
- 2.5 The Child Protection Social Worker will chair a Change of Legal Status Meeting and present all known facts of present and past Child Protection services, presenting risk and immediacy of risk to the child, less intrusive and alternative measures which have been attempted to date and why a less intrusive option is not appropriate at this time. An interim plan of care for the child is to be determined including the application to be sought from the courts, the placement and provisions for any special needs, and other support or required services. The developmental needs of the child and the impact of

apprehension and placement are to be thoroughly examined. A decision will also be made concerning the plan for interim contact and visitation between parents and child.

- 2.6 Where the removal of the child while at home is not the best course of action due to additional risk or other factors, the Child Protection Social Worker is to attend the place where the child is and explain to the child in a language appropriate to their age, the reason for the removal from home, the need to be placed in care, and how / when this is to take place. The Child Protection Social Worker will advise the person having responsibility for the child, of the apprehension, and provide a copy of the Notice of Apprehension. The person responsible for the child will be given direction for responding to the parent should the parent return prior to being contacted by the Child Protection Social Worker.
- 2.7 The Child Protection Social Worker may contact the parents or attend the home unannounced to apprehend the child.
- 2.8 The Child Protection Social Worker will advise the parents of the concerns for the safety and well-being of the child, the attempts to change the situation if currently receiving a Child Protection Service and the resulting decision to remove the child from their custody and guardianship by apprehension.
- 2.9 The Child Protection Social Worker will explain to the parent the meaning and consequences of the apprehension as it relates to their parental rights, the child is in the custody and guardianship of the Director of Child Protection and that the matter of safety and well-being of the child will be decided before a Judge in court. The parent must be informed of their right to legal counsel and the interim plan of care for their child.
- 2.10 The Child Protection Social Worker will assess the capacity of the parent to assist with the removal and/or placement of the child through such actions as assisting to explain the current situation to the child, preparing the child's clothes and personal belongings, provide information concerning the child's health, medications, allergies, fears, special needs, routine, schooling, and other areas of the child's life. The parent will be asked to provide the child's health card.
- 2.11 The Child Protection Social Worker will serve the Notice of Apprehension to the parent by reading, explaining and leaving an original copy with them. Should the parent refuse service at the time, they are to be informed that their refusal of service will be documented.
- 2.12 Legal counsel is to be contacted, when possible prior to apprehension and advised of the decision to apprehend. The Child Protection Social Worker is to complete the Legal Case Summary.
- 2.13 The Child Protection Social Worker will prepare two (2) originals of the Notice of Apprehension.

2.14 The Child Protection Social Worker will ensure all requirements for service of documents are met and will complete an Affidavit of Service to be filed with the court.

3.0 REFERENCES

After Hours Emergency Child Protection Services 1.11

Change of Legal Status Meetings 1.12

HISTORY:

February 1, 2013 - Editorial and format changes

July 18, 2013 - Editorial and format changes