

A Children's Aid Society ("CAS") has a legal duty to make sure that children under the age of 16 are protected from harm. The government has given them this job. A court can also order a CAS to stay involved until a child they are protecting reaches age 18.

When does a CAS check on a family?

Parents have a legal duty to keep their children safe. A CAS may check on a family if they believe that:

- parents are violent to each other,
- parents do things that could harm their children, or
- a parent does not stop others from doing things that could harm their children.

How does a CAS hear that a child might not be safe?

If anyone has good reason to believe that a child has been harmed or might be harmed, they must tell a CAS. Even relatives, friends, and neighbours have a legal duty to report these situations. People who work with children must report these situations to a CAS or the police can charge them with a crime. Some examples are teachers, doctors, nurses, daycare workers, family counsellors, social workers, and religious leaders. Your lawyer does not have to report about you to a CAS.

What if a CAS worker contacts me?

Try to stay as calm as you can when you talk to a CAS worker. You should try to speak to a lawyer before you say very much. If you cannot afford a lawyer, Legal Aid Ontario may pay for one. In most cases, a CAS must get your permission to enter your home. It is usually best to let them in or the situation can become worse. If they have to, a CAS can enter by force to protect a child. They can bring the police to help them. If you have **any** difficulty understanding or speaking English, tell the CAS worker, and ask for an interpreter.

The CAS worker usually talks to the parents and children separately. They must keep notes about anything you or your children tell them. This information can be used against you in court later on. Some acts that harm children are crimes. At any time, if you think the CAS or the police suspect you of a crime, tell them that you would like to get legal advice before you answer any more questions. Contact a lawyer right away.

What can the CAS do?

The CAS can advise you to do many different things. They might want you to agree to do what they say. Do not sign any papers with the CAS until you get your lawyer's advice. It is very important to get your own lawyer even if you want to make an agreement with the CAS. In some cases, the CAS can take your child away from you.

What if the CAS takes my child away from me?

Tell the CAS if family members or other adults from your community can take care of your child. If the CAS does not take your child to stay with relatives or friends, then a community agency or a family that is paid by the government will take care of your child. Usually, you will be allowed to visit your child. Get a lawyer right away to help you get your child back. You need to do this no matter where the CAS takes your child to stay, even if they take your child to relatives or friends.

Will I need to go to court?

The CAS must take the case to family court if they take your child away or if they are asking the court to order you to follow CAS advice. If they take a child away, the first day in court must be within 5 days from the day they took the child. You may have to go to court many times. Get a lawyer right away to help you in court.

If the police charge you with a crime, you have a right to a trial in criminal court. This is separate from the case in family court, even though it may be about the same situation. Get a criminal lawyer right away.

Other Resources:

Children's Aid: Information for Parents Fact Sheet - by CLEO
<http://www.cleo.on.ca/en/publications/cas-en>

What to do if you have concerns about CAS - Ontario Ministry of Children & Youth Services
<http://www.children.gov.on.ca/htdocs/English/topics/childrensaidd/childrensaidsocieties/concerns.aspx>

How to Make a Complaint about CAS - Ontario Ministry of Children and Youth
<http://www.children.gov.on.ca/htdocs/English/topics/childrensaidd/childrensaidsocieties/ocascomplaint/ocascomplaint.aspx>

Legal Aid Ontario - 1-800-668-8258
http://www.legalaid.on.ca/en/getting/family_childprotectionmatters.asp
<http://www.legalaid.on.ca/en/about/downloads/factsheets/has-childrens-aid-contacted-you.pdf>

Adapted from "Children's Aid: Information for Parents," Developed by CLEO (Community Legal Education Ontario / Éducation juridique communautaire Ontario) March 2014 <http://www.cleo.on.ca/en/publications/cas-en>

This tip sheet, written by staff or volunteer lawyers with the Community Advocacy & Legal Centre (CALC), provides general legal information only about current laws. If you need legal advice you should contact a lawyer. If you are living on a low income you may be eligible for free legal help. Contact your local community legal clinic if you need help with income programs, workers' or tenants' rights, consumer problems, or human rights. Call CALC at 1-877-966-8686 or visit www.communitylegalcentre.ca. If you have a criminal, family or immigration law problem, contact Legal Aid Ontario at 1-800-668-8258 or visit www.legalaid.on.ca.

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