

Understanding Aboriginal Child Protection / Removal Matters



British Columbia
www.legalaid.bc.ca

BC law says that if the safety of a child is at risk, the Ministry of Children and Family Development must investigate and, if necessary, remove the child from the home.

BC law also says that Aboriginal cultural ties are very important to the well-being of Aboriginal children. It says that when the ministry makes plans for an Aboriginal child's care, the ministry should respect the child's family ties and Aboriginal identity.

Parents

If the ministry removes your child from your home, you can:

- Get a lawyer *before* the day of court
- Call legal aid
- Work out a plan with your band or community that supports your child's family ties and Aboriginal identity
- Ask to have your child placed with another Aboriginal family
- Ask for a mediator (someone who will help work out an agreement)
- Ask for the Report to Court, which explains why your child was removed
- Ask for visits with your child

Aboriginal Community/Band

If the ministry removes your child from your home, it must:

- Notify your child's Aboriginal community representative (such as the First Nations band) that your child has been removed
- Take steps to protect your child's family ties and Aboriginal identity
- Consider your child's family ties and Aboriginal identity when choosing a foster home
- In many cases, allow a representative (someone who is chosen to speak for others) from your child's band or Aboriginal community to go to court

The Aboriginal representative has the right to:

- Receive all records and information
- Speak at the child protection hearing
- Call witnesses and question other witnesses
- Take part in any mediation
- Ask about ways to get you help

NOTE

If the ministry tells you that you are being investigated, you have the right to get a lawyer. *Contact legal aid immediately to find out if you qualify for a free lawyer.*

Legal aid:

604-408-2172 (Greater Vancouver)
1-866-577-2525 (call no charge, elsewhere in BC)

Continued over

Your important details

Date the ministry started investigating: _____

Name of ministry social worker: _____

Date you called legal aid for lawyer: _____

Name of lawyer: _____

First Nation/Band or friendship centre contact: _____

Court dates

Access order application date: _____

Presentation hearing date: _____

Protection hearing date: _____

Adjournment date: _____

