

Appendix "A" – Introductory Letter to Client



NOVA SCOTIA LEGAL AID COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1701 Hollis Street, Suite 920
Halifax, NS B3J 3M8
T 1-902-420-6578 TF 1-877-420-6578
F 1-902-420-3471
www.nslegalaid.ca

(Date)

(Client)

****Note you may want to send this information in 2 separate letters spaced apart a bit. This may be too much information for the client to read and process in one go) ****

Dear _____ :

**RE: MCS v.
FPIC CFSA-
Next Court Date:**

This is to confirm that I am retained to be your lawyer regarding your Child Protection matter before the Court. By way of introduction, I have been a lawyer since _____ and joined Legal Aid in _____. It is important that we have a reliable means of communication. My office numbers are set out above. My assistant is _____. She is available during office hours. In addition, I can be reached by telephone/ email at _____. I am often in Court, so I may not be able to respond to you immediately, however, in most cases information or questions can be directed to my assistant who will always be sure I receive the message.

~~The file that I receive is often incomplete.~~ It is important that you contact us to confirm your address, telephone number, email or any telephone number for messages or if any contact information changes. I would ask that you schedule a meeting with me so that I can obtain all of your case documents and discuss the case with you generally. Depending on where your case is in the process, we may not have a great deal of time before the court date. It is important that we meet as soon as possible to discuss how we will proceed with your case.

While we await our meeting there is some general advice I would provide to you.

First, you need to be very careful about what you say, and how you say it, to the Agency workers. I would expect that you are upset, scared and frustrated with the process. That is normal. However, losing your temper

Appendix "A" – Introductory Letter to Client

with the workers will only make it more difficult to successfully resolve your case. If you are asked to do something and you are not sure about it, say something like "I probably should just talk to my lawyer about that before I agree". This will give you time to think about what was asked of you and to speak to me about the situation.

If you have Facebook, you need to be aware that the Agency may search for you online. You also need to be aware that some of your "friends" might take screen shots and send them to the Agency. Never put anything online that you do not want the Agency to know.

There are various types of Orders that can be made in a case like yours. An order for Temporary Case and Custody places your child in foster care, which could include a kinship (family) foster placement. A Supervisory Order can either place your child in your care, or another family member's care, subject to supervision by the Agency. The law requires the Court to consider the least intrusive placement for your child. So if a family member is willing to care for your child temporarily, or permanently, let me know.

When you have an access visit or a service appointment always be on time and prepared. Access visits are all about the children. Turn your phone off, unless you are taking pictures and only if the worker says that it is permitted. Be focused on your child and respond to their needs. Bring appropriate snacks, food and games to your visit. If your child is talking, be sure to ask them how school is going, whether they are having fun, etc. Do not under any circumstances talk about the proceeding with or in front of your child. If they ask something like "when can I come home?" respond with something like "don't worry about that, Mommy (and Daddy) are working some things out and that might take a little time." Then redirect the child to another topic.

You may not agree that you need services like mental health, counselling or addiction services. You may be right. This, however, is not about being right. It is about getting your kids home as soon as possible. The services you are required to attend may not be focused on a problem you have, but rather on the consequences of someone else's problems. For example, if your partner has a drinking problem addiction services might help you to deal with the effects of his or her drinking on the family. If you have been in an abusive relationship, counselling might help you to recognize the signs of an abusive relationship or to help your children deal with the fears they may have that one of their parents may hurt the other. We can consider these decisions together so you should not turn down service without discussing it with me.

Attending these services is one of the best ways of convincing the Court and the Agency that you are putting your children's welfare above your own

Appendix "A" – Introductory Letter to Client

concerns. The Court's primary mission is to keep children safe. The Court wants to see that this is also your main priority.

There are times and circumstances in which we will have to challenge the orders being sought by the Agency. We have to pick and choose our battles carefully to ensure that we do not damage your case. Sometimes the Agency has wrong information or is over-reacting to a situation. In some cases, there is some type of a problem in the family which needs to be addressed. The question often is how best to address the problem.

When we meet, we will be reviewing where we are in the process, what comes next and how we will proceed. That may mean a contested court hearing or it may mean putting together a plan to show the Agency and the Court that your children are safe with you.

You will hear people talking about the timeline. What they mean is that the Children and Family Services Act says that an initial hearing must be started within 5 days of the Agency taking your child. That initial hearing must be completed within 30 days. If your child is not returned to you then the next hearing, called a Protection Hearing, must occur within 90 days of the first five day hearing. If your child is still in care after that hearing, then an Initial Disposition Hearing is held within another 90 days. Then there are reviews every 90 days or less until your child is returned to you or is placed in Permanent Care. If your child is 5 years old or less, the maximum time until that decision must be made is 12 months from the Initial Disposition. If your child is 6 years old or more the maximum time is 18 months from the Initial Disposition.

Permanent Care is an order of the Court which places your child in the care of the Agency permanently. You would likely no longer have access to, or contact with, your child. You would not likely be entitled to information about where your child is or what is happening in their life. Your child could also be placed for adoption and all of your parental rights would end. Because the consequences of such an order are so extreme and difficult to appeal, it is very important that we work hard to avoid such an order. This means you and I working together to ensure your child comes home. I will give you my best advice. You must be honest with me about what is happening in your life. Only by working together can we give you the best chance of being reunited with your child.

You should keep a notebook. Write across the top "Notes for my lawyer". In this, you should keep detailed notes about your access visits, meetings with the Agency, service providers and any questions you may have for me. Whenever you call the Agency, be sure to leave a message and make a note of it in your book. Never call the Agency when you are mad or upset. Calm down before you call them.

Appendix "A" – Introductory Letter to Client

Having your children placed in care can have a lot of unexpected consequences, especially if you are on any form of government assistance. You will lose your Child Tax Benefit. Housing may not support you staying in a larger unit. Often these things cannot be changed. If you have a problem like this, be sure to tell me. I will let you know if I can do anything about it.

Nothing about this process is ever easy. You will be upset, hurt, mad and frustrated. It is important that you stop and ask yourself "am I doing what is best for my child". Hopefully, you are doing that. If you look at yourself honestly, and you are not doing all that you can for your child, this is an opportunity to learn how to ensure your child is happy and health. Either way, I will be here to assist you through this process and to ensure that you have the best chance to be reunited with your child quickly.

Finally, I would draw your attention to the Child Protection Video and Workbook available on these websites, www.nsfamilylaw.ca or www.nslegalaid.ca, which provide information on the process. This should not be viewed while children are present. I will arrange for you to watch the video at my office if you have not watched it.

****If client identifies as Aboriginal include paragraph letting them know about our Aboriginal Social Worker and the services she can provide****

I look forward to meeting with you soon to discuss all the particulars of your case.

Yours sincerely,
