

You are asking about . . .



Apprehension

Alberta

The Child and Family Services Authority and Delegated First Nations Agency works with families to help them provide safe and nurturing homes for their children. However, if parents do not provide a safe and nurturing home for their children, the Child and Family Services Authority and Delegated First Nations Agency becomes involved for the well-being of the children.

What is an apprehension?

Apprehension occurs when the Child and Family Services Authority or Delegated First Nations Agency takes custody of a child from the parent*. The child is cared for by the Child and Family Services Authority or Delegated First Nations Agency.

When is a child apprehended?

If the safety, survival, or development of a child is threatened.

How does apprehension happen?

- A caseworker makes an application to a family court for an apprehension order. An apprehension order gives the Child and Family Services Authority or Delegated First Nations Agency the legal right to take custody of a child from the parent.
- The caseworker presents evidence to a judge and the judge decides whether to grant the order.
- If the judge grants the order, the caseworker can remove the child from the parent's care immediately.

- If the judge does not grant the order, the caseworker cannot remove the child from the parent's care.
- If the situation is an emergency, the child may be apprehended without a court order. After the apprehension takes place, the caseworker or police officer who made the apprehension must go to court to prove why it was necessary.

What happens during an apprehension?

- The child is removed from the parent's care.
- The child is placed in the care of one of the following:
 - extended family member;
 - a person known to the child; and parent;
 - licensed foster home; and
 - care facility,
- The Child and Family Services Authority or Delegated First Nations Agency is responsible for the child's care and well-being during the apprehension.
- The Child and Family Services Authority or Delegated First Nations Agency informs the parent about the apprehension as soon as possible, and
 - tells the parent the reasons for the apprehension;
 - informs the parent of his or her legal rights;
 - gives the parent the address of the nearest legal office; and
 - tells the parent about any plans for another order.

*IN MOST CASES, THE CHILD'S PARENT IS USUALLY THE CHILD'S LEGAL GUARDIAN. FOR THE PURPOSES OF THIS INFORMATION SHEET, IT IS ASSUMED THAT THE PARENT IS ALSO THE CHILD'S LEGAL GUARDIAN.



How long does the apprehension order last?

The caseworker may return the child to the parent within two days of apprehension, if it is in the best interests of the child.

If the caseworker does not return the child to the parent within two days of the apprehension, the caseworker must appear in court within 10 days to apply for an order that keeps the child in the care of the Child and Family Services Authority or Delegated First Nations Agency or returns the child to the parent's care.

If the child is from another province, the caseworker may apply for an order that places the child in the care of the child welfare authorities of that province.

How can I find out more about apprehension?

- Talk with a caseworker or lawyer for more information about apprehension.
- Contact your regional Child and Family Services Authority at 310-0000. If you live on reserve, call the Delegated First Nations Agency listed in your phonebook.

www.child.gov.ab.ca 