



**BUILDING
STRONG FAMILIES**

Child, Youth & Family
ENHANCEMENT ACT

Checklist for Court Documents

November, 2004

Alberta
CHILDREN'S SERVICES

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Introduction

The implementation of the Child, Youth and Family Enhancement Act will bring about a number of changes for caseworkers. The expectation to attend court to justify the director's actions will not change. Caseworkers will still be expected to make court applications, serve applications on affected families, fill out consents and prepare court reports. With the new legislation will come a variety of new forms/applications, some minor changes to some old forms, and some forms with major changes.

There are a number of common features in the forms, some of which are highlighted below:

1. All applications will be available for completion on the computer. When a particular form is selected, caseworkers will be presented with a series of prompt boxes, asking the caseworker to input the required information. It is important that workers follow the directions given on the form. If at all possible caseworkers should avoid selecting the *cancel* option, as it leads to certain information being deleted from the form. These forms are all regulated forms and as such cannot be changed or altered.
2. All applications will now indicate which section of the Enhancement Act the application is being made under. Some of the applications will require the caseworker to select the appropriate Section of the Enhancement Act.
3. All applications that involve an in care status will require caseworkers to indicate the number of days that the child has been in care, as of the application date.
4. A Commissioner of Oaths must now swear all applications.
5. All applications will have at least three sections to them, Notice, Application and Affidavit.

The Checklist for Court Documents has been revised, expanded and updated to assist caseworkers with the transition to the *Child, Youth and Family Enhancement Act*. The Checklist will still contain the **Handy Tips and Hints** section along with the **How to Count Day's** section.

There are a number of practices that continue to be important for caseworkers to follow:

1. Caseworkers need to present a professional image to the clients they serve as well as the public. One method of displaying this professionalism is to complete **all** legal documents on the computer. Hand-written forms are available for emergency use when a computer is not available, but should only be used as a last resort.
2. Court matters need to be taken seriously and be given a caseworker's full attention. Caseworkers are expected to abide by the law as it relates to the *Child, Youth and Family Enhancement Act*. This task becomes more difficult for caseworkers as they do not have the legal training of a lawyer, yet they must follow the Enhancement Act like a person with legal training. Caseworkers must make themselves familiar with the Enhancement Act in order to make legally sound decisions. If you are uncertain don't hesitate to ask the legal experts in your region.
3. Our clients have a right to be heard, and to have their matter dealt with expeditiously. Unnecessary delays should be avoided. It is important to recognize this fact with the new time lines of the Enhancement Act.
4. Caseworkers will be swearing all applications, increasing the need to ensure the accuracy of the statements made in applications. Therefore it is important to realize that the person

named as being the directors delegate must be the one to sign the application. Signing an application or other court document for someone is not legally acceptable.

5. While the forms provide for numerical dates to be entered, writing out the month will save confusion i.e. “May” instead of “05”.
6. It is an expectation under the law that all applications be filed with the Clerk of the Court, prior to being served on clients. Extra copies should be stamped by the Clerk's Office, for use in serving clients. One of the reasons for this process is that a person receiving an application has the right to know that the document is the same as the one filed at court. The “FILED” stamp is the proof. Making photocopies of a stamped (filed) application for use in serving, or in Affidavits of Service (CS508) is acceptable.
7. When putting children's names on your application capitalizing the SURNAME will save confusion, especially in situations where a child’s given name and surname could be interchangeable i.e. Kelly JOHN.

Handy Tips and Hints

- 1) Wherever possible all court documents, applications, affidavits, consents etc. should be completed on the computer. Typed documents are more legible, and they also look more professional.
- 2) When making a court application regarding a family with more than one child, put all the names on one form. This will mean less paperwork in the long run (i.e. only one Affidavit of Service per person served).
- 3) The “reasons” section of an application is intended for the applicant to give an explicit factual accounting of the details. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant’s knowledge. When completing an application on the computer caseworkers will be able to include an unlimited amount of information in the various sections. This is particularly helpful in the reasons section, where the more detail that is provided the easier it is for others to understand the case.
- 4) While an applicant is not prevented from quoting a section of the Enhancement Act in the applications “reason section”, it is not recommended. The Act is worded in such a way as to portray general issues regarding child intervention matters. Often when a parent reads the general description they become upset because they don’t believe that it ‘describes them’. Specific examples are easier to understand and cause less confusion by the people reading an application.
- 5) If a caseworker plans on attending court, it is important to arrive at least 15 minutes before (or sooner if required in your region) the start time of court. This will allow the caseworker time to update the director’s representative (lawyer or Court Worker) or to meet with a client to go over any last minute details. More importantly it sends a message to the client that the court process demands respect, enough respect that the parties should be there before the start of court, so that the case will be ready to proceed when court begins.
- 6) If a caseworker plans on attending court then they should be properly attired. It is considered disrespectful to the court to be dressed inappropriately. Jeans, T-shirts etc. should not be worn for planned court appearances.
- 7) If at all possible complete any discussions or negotiations with a client or their legal counsel prior to the day of court. Few workers/clients are satisfied with the last minute solutions that are hammered out on the courthouse steps. Take the time to complete these negotiations in a less formal and intimidating setting (i.e. your office, the client’s home, over the phone, etc.).
- 8) If a lawyer or Court Worker is handling a case, then it is important that they be kept informed of any last minute changes so that they can adequately represent the director in court. Last minute communications should not be done while the director’s representative is in the midst of presenting a case to the court, as it is unlikely that they will be able to pay full attention.
- 9) If a caseworker is required to address the court they should avoid using jargon or lingo. As court is open to the public, and more importantly because clients may be in attendance, it is courteous to speak in a language that everyone will understand. In other words say "Temporary Guardianship Order" instead of T.G.O. etc.

- 10) While an Affidavit of Service must identify the full name of the document that was served, a Consent should only identify the type of order that is being consented to. For example a Notice and Application for a Review can be served, but one cannot consent to a Review, as it is not a type of order.
- 11) When an affidavit refers to an exhibit being marked and attached, then the affidavit and exhibit should be stapled together.
- 12) Affidavits can be completed as stand alone documents or can be prepared with attachments or “exhibits”. An affidavit will often make reference to an exhibit or a number of exhibits that are attached to the affidavit. Each attachment to an affidavit must be properly marked as an exhibit. The exhibits will be marked sequentially beginning at the first of the alphabet. Therefore the first exhibit to an affidavit is always exhibit “A”, the second exhibit “B”, etc. Each affidavit will have its own sequential series of attachments, always commencing at “A”. Hence if a caseworker has four Affidavits of Service all with only one exhibit attached, all of the exhibits will be marked as exhibit “A”.

Court Reports

When hearing an application at court, a Judge can only make an order based on the evidence that is presented. A court report is one method of presenting evidence. Caseworkers must be sure to follow the procedure or process that is prescribed by the courts in their region or jurisdiction.

- 1) Court reports need to be succinct, factual and to the point. A court report that gives a blow by blow, date by date recording of all the contacts that a caseworker has had with the family, is not well received by the court and often tends to inflame the client. One of our prominent Judges has commented on numerous occasions ‘if you are unable to summarize the information for a court report, then you clearly don’t understand the case’.
- 2) Court reports should follow a logical format. A common format has five sections
 - (A) Background Information (also referred to as tombstone data) - give names, birth dates, addresses, days in care etc, of the child(ren) siblings, mother(s), father(s), private guardians, etc.
 - (B) Service – It is good practice to indicate who has been served and who has consented. If there is a request that the court dispense with service on one of the parties, that request should be made in this section. A request to dispense with service must be supported by evidence, therefore be sure to include a detailed statement of why service should be dispensed.
 - (C) History of involvement with Child Intervention Services – Try to summarize the child’s or families previous involvement with Intervention Services both in Alberta or elsewhere.
 - (D) Current Involvement – This is where the courts are likely going to concentrate their attention, so caseworkers need to give the up to date information about why the application is being made and provide the evidence to support the application.
 - (E) Summary and Recommendations – Provide a brief (one-paragraph) overview of the case and then detail all the plans for the family and include any recommendations that you want included in the court order.
- 3) Court reports need to be signed by the author. The signature should appear on the last page of the report, but the signature should not be the only thing on the last page of the report. If

necessary move the recommendation section to the last page of the report so the signature is not alone.

- 4) Court reports are considered as evidence and should be presented to the court in the form of a sworn affidavit. The affidavit gives the report the same force and effect as if the testimony was given verbally (*viva voce*).
- 5) Always number the pages of your court report. When the judge (or the lawyers) discuss the report they will often make reference to various parts of the report by the paragraph and page number, to ensure that everyone is in the same place.
- 6) As with any legal document the author of a court report should ensure that it has been proof read, before it is signed. The use of spell check on the computer is helpful, but it cannot always find inaccurate statements.
- 7) The Act requires the director to maintain the confidentiality of a referral source, or any information that may identify the referral source. Court reports should be written in a way that ensures that confidentiality is maintained. It is better to say, “a complaint was received from a member of the community” than to say “a complaint was received from ‘the school’, or from ‘the next door neighbour’.”

How to Count Days

There has always been a great deal of confusion on how to count days in relation, to the various scenarios that are encountered by caseworkers. The following is an attempt to clarify the issue, by outlining how to count days, and the inclusion of an easy to use table.

As might be expected the counting of days is governed by provincial legislation. The Rules of Court and the Interpretation Act are relied on when determining how to count days. The legislation takes into account the descriptive words that are used before and after the number of days being defined, such as "not more than", "not less than", "within", etc. The legislation will also count days differently, depending on whether you are dealing with a period of time "more than or less than one week". Therefore it is important to take all these factors into consideration when counting days, but it is even more important, not to assume that because counting is done one way in one situation, that the same interpretation can be applied in the next situation.

One area that seems to cause a great deal of confusion is the area around how to determine when a court order expires. In Child Intervention Services there are three common ways to express the expiry of an order:

- 1) The first is the order that is set to expire on a specific day (i.e. a T.G.O. to and including the 25th day of November 2004). This expiry date is fairly straightforward and the order is in effect until midnight of the last day.
- 2) The second is the order that is set for a specific number of days (i.e. a 30-day T.G.O.). This order begins on the day it was granted and expires at midnight on the 30th day, and includes all calendar days.
- 3) The third and most common order is the order that is set for a specified period of months. Therefore if a 3-month Temporary Guardianship Order is granted then add three months from the day the order was granted, and then subtract one day (the legislation says that the order includes the first day and excludes the last day). That is the day the order expires. So an order granted November 25th, 2004 for 3 months would expire on February 24th, 2005. If this is difficult to understand, then consider the following example. If a caseworker were directed to perform a task for a period of one year and commenced on January 1, the caseworker would cease performing that task on December 31 of the same year. The caseworker would not keep on performing the task on January 1, as the task would then continue into the second year.

When in doubt it is advisable to err on the side of caution. What this means is that when there are only so many days to be in court, don't wait until the last day. It is preferable to plan a court appearance on a date well in advance of the last possible date allowed by law. If a caseworker is serving a court document it would always be better to provide more notice than is required by legislation. The courts tend to hold the government to a higher standard and will usually strictly enforce and interpret legislation.

A table outlining how to Count Days in the more common circumstances that occur in the *Child, Youth and Family Enhancement Act* follows on the next page.

Section of CYFEA	Action or Activity	Number of Days & Description	Days Included/Excluded
21(1)	Return of Apprehended Child	"within 2 days after being apprehended"	Exclude day of apprehension, Sat, Sun & Holidays
21(3)	Application after Apprehension	"not more than 10 days after the apprehension"	Exclude day of apprehension, Include all other days
21.1(4)	Adjourning a Custody Application	"not more than seven days" (unless the parties agree to longer)	Exclude day of court and include all other days
21.1(6)	Develop a plan with the family	"Within 42 days of the directors application under S21(1)(b)"	Exclude the day of first appearance and include all other days.
22.1(3)	Service of Application for Treatment Order of an Apprehended Child	"not less than one day before the date fixed for the hearing"	Exclude the day of service, day of court and Saturdays, Sundays and Holidays
22.2(2)	Service of Application for Treatment Order of a Child under TGO or PGO status	"not less than one day before the date fixed for the hearing"	Exclude the day of service, day of court and Saturdays, Sundays and Holidays
23(4)	Service of Applications in Part 1 Division 3	"at least 5 days before the date fixed for the hearing"	Exclude day of Service, day of Court, Sat, Sun & Holidays
43.1(3)	Show Cause hearing for a Certificate	"within 3 days after the confinement"	Exclude day of Confinement, Saturday, Sunday and Holidays. Include day of court.
43.1(4)	Service of Secure Services Certificate, Appearance to Show Cause & Application for Further Confinement	"not more than one day after the certificate is issued"	Exclude day of confinement, Saturday, Sunday and Holidays
44(3)(a)	Service of ex parte Secure Services Order	"not more than one day after it is granted"	Exclude day of hearing, Saturday, Sunday and Holidays
44(5)	Serving Application for Secure Services Continuation	"not less than 1 day before the hearing date"	Exclude day of service, day of court, Saturday, Sunday & Holidays
44.1	Serving an Application for a Renewal of a Secure Services Order	"not less than 1 day before the hearing date"	Exclude day of service, day of court, Saturday, Sunday & Holidays
53(1)	Service of Application for Private Guardianship	"not less than 30 days before the date of the hearing"	Exclude Day of Service and Day of Court

Notice and Application for a Supervision Order

Complete form # CS 1594

1. Part 1

Indicate which section of the Enhancement Act the application is being made under by selecting the appropriate box. Section 28 is the section of the Enhancement Act that gives the Court the authority to grant the order.

- (A) If making a direct application under section 16 then check the first box.
- (B) If making an application following an apprehension under section 21, then check the second box.
- (C) Indicate the complete name and birth date of the child(ren) in the spaces provided.
- (D) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

(A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided. If the application is being made under Section 21 (following an apprehension) the court date must occur within ten days of the apprehension (do not count the day of apprehension, but do count all other days including the day of court).

3. Part 3 Application

(A) Indicate the length of the supervision order that is being requested, to a maximum of 6 months, in the space provided.

4. Part 4 Affidavit

(A) Indicate the names of all the persons residing with the child(ren), that need to be supervised, in the space provided.

(B) In the reasons section state the facts why a supervision order is required. The "reasons" section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

(C) Terms of supervision – Section 16(2) states that recommended terms **SHALL** be included as part of the application, while Section 28(3) details the specific terms that **SHALL** be included in the order. Therefore in the space provided the applicant should:

- Detail all the terms that are being requested as part of the supervision order.
- Be clear and concise, describing frequency of any actions, who is responsible for completing, etc.
- Ensure that a term outlining the "frequency of visits at the residence by a director" is included in the recommendations. This means that the term must reflect how often the caseworker is going to visit the family home, to supervise the child and the other persons residing in the home. It is important to be aware of the fact that these visits are to be completed by a person who has authority to act for a director (a delegated caseworker).

(D) Sign and date the application. The person named as having the authority to act for a director in part one (1D) of the application must be the person signing the application.

- (E) A Commissioner for Oaths must properly swear the application.
5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.
 6. Make enough photocopies of the **good** copy to use for serving the parties and for use in the affidavits of service.
 7. Serve all the guardians, child(ren) over twelve [12], private guardian(s), foster parent(s) (if the child(ren) has been in their care for six [6] months immediately preceding the application) and any other person in whose care the child(ren) was when apprehended (if the child(ren) was in their care for six [6] months immediately preceding the application).
 - Parties are to be served personally (see Serving Documents page 71).
 - Parties are entitled to five [5] clear days notice.
 - **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
 - If the child(ren) was apprehended then service on the person that the child was apprehended from (who is not a guardian) can be completed personally or by mail.
 - Foster parents can be served personally or by mail.
 8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court.
 9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
 10. Prepare court report:
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
 - A court report in support of a request for a supervision order should include a section with all of the recommended terms of the supervision order and **MUST** include a term outlining the frequency of visits at the residence by a director.

1A

1B

Docket #

Notice and Application for a Supervision Order

In the Provincial Court of Alberta
In the Matter of an Application under Section 16 or 21 and 28
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

1C

_____, born _____ date (yyyy/mm/dd)

_____, born _____ date (yyyy/mm/dd)

_____, born _____ date (yyyy/mm/dd)

_____, born _____ date (yyyy/mm/dd)

1D

1 My name is _____
name of applicant

I have the authority to act for a Director.

2 Notice

I am applying to the Court for a supervision order regarding the child(ren). I will ask the Court to allow the director to supervise the child(ren) and anyone who lives with the child(ren).

The Court hearing will be at _____ on _____
address date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____
time number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3A

3 Application

I am applying for a _____ month supervision order regarding the child(ren).
duration

4 Affidavit

In support of my application, I make oath and say that:

The child(ren) needs intervention. To protect the child(ren)'s survival, security or development, the child(ren) and _____ who lives with the child(ren) need supervision because:
name(s)

4A

4B

I recommend the following terms of supervision: _____

4C

4D

Applicant's Signature _____
date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

4E

Sworn before me at _____
City or Town

in the province of Alberta on _____
date (yyyy/mm/dd)

Commissioner for Oaths

For Office Use Only			
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Application for an Apprehension Order

Complete form # CS 1602

1. Part 1

- (A) Indicate the full name and birth date of the child(ren) in the spaces provided.
- (B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Application

This is the application section of the form, where the applicant indicates to the court what application is being made. **Only one** of the check boxes should be selected. The police will always respond if they are called upon to assist with the enforcement of any court order.

- (A) If applying for an apprehension order then check the first box.
- (B) If an order for forcible entry and apprehension are being applied for then check the second box. The applicant must specifically request this order from the Judge during the presentation of the evidence to the court. Forcible entry may be required when entry to a place or premises is blocked by way of locked door, no one answering or refusal to answer.
- (C) If someone other than a delegate of the director is going to enter by force if necessary, to search for and apprehend the child(ren), then indicate the name of that person in the space provided after the second box.
- (D) If a child(ren) has been removed from, or has left the director's care, and the director has reason to believe that the child(ren) may be found at a certain place or premises then check the third box. This order will contain a provision allowing the director to enter the place or premises with force, to search for and return a child(ren) to the director's care.
- (E) If someone other than a delegate of the director is going to enter by force if necessary, to search for and remove the child(ren), for the purposes of returning the child(ren) to the directors care, then enter the name of that person in the space provided after the third box.

3. Part 3 Affidavit

- (A) If an application for apprehension is being made then check the first box.
- (B) In the reason section, state the facts of why it is believed that the child(ren) is in need of intervention in the space provided. The "reasons" section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.
- (C) Check the second box and indicate the full and complete address of where it is believed the child(ren) can be located, in the space provided.
- (D) If an application for an apprehension order for this child(ren), has been previously made and was denied, then check the third box and indicate the date that the application was made, in the space provided.
- (E) If a child(ren) has been removed from, or has left the director's care, and the director has reason to believe that the child(ren) may be found at a certain place or premises then check the fourth box, and indicate the address where it is believed the child(ren) may be found in the space provided.
- (F) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.

- (G) A Commissioner for Oaths must properly swear the application.
4. The application needs to be filed with the Clerk of the Court prior to the court appearance.
 5. Service of this application is **NOT** required.
 6. Once the apprehension order has been received and executed, the child's guardians are to be notified as soon as possible. The notice is to be given either orally or in writing. The notice shall include a statement of the reasons for the apprehension as well as the telephone number of the nearest Legal Aid office. Form # CS 1629 Notice of Apprehension is designed to be used as a convenient tool for complying with these conditions (use of the form is not mandatory).
 7. Within ten [10] days of apprehension, one of the five possible applications under Section 21 (supervision order, temporary guardianship order, permanent guardianship order, an order to return of apprehended child or an order to place child in another province) must be made, if the child(ren) is not returned to the guardian within two [2] days. When determining the 10 days **don't** count the day of apprehension, but **do** count the day of court and all other days. If an agreement under the Child Youth and Family Enhancement Act is entered into, beyond the first two days after apprehension, one of the five possible applications (listed above) **must** still be made within ten days. The director may then ask permission from the court to withdraw the application.
 8. Court report
 - While it is unusual for a caseworker to have time to prepare a court report for an apprehension order, it is not unheard-of. In situations where an apprehension is a planned event then a court report could be prepared. If a court report is being prepared in support of the application for apprehension, then the following guidelines should be considered.
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. The affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Application for an Apprehension Order

In the Provincial Court of Alberta
In the Matter of an Application under Section 19
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

1 My name is _____, name of applicant

I have the authority to act for a Director.

2 Application

I am applying for an order:

2A authorizing the director to apprehend the child(ren).

2B authorizing the director or * _____, and any peace officer called on to assist, to enter, by force if necessary, the place or premises specified in my affidavit below, and to search for and apprehend the child(ren).

2D authorizing the director or * _____, and any peace officer called on to assist, to enter, by force if necessary, the place or premises specified in my affidavit below, and to search for and remove the child(ren) for the purpose of returning the child(ren) to the custody of the director.

(*Fill in this space only if someone who is not a director's delegate will be apprehending the child(ren).)

3 Affidavit

In support of my application, I make oath and say that:

3A I have reasonable and probable grounds to believe that the child(ren) needs intervention because: _____

3C I have reasonable and probable grounds to believe that the child(ren) may be found at the following address: _____

_____ address

3D An application for apprehension order regarding the child(ren) was previously applied for and denied on _____

_____ date (yyyy/mm/dd)

3E The child(ren) was(were) in the custody of the director and left, or was(were) removed from that custody without the consent of the director. I have reasonable and probable grounds to believe that the child(ren) may be found at: _____

_____ address

Applicant's Signature

date (yyyy/mm/dd)

3G Sworn before me at _____, City or Town

in the province of Alberta on _____, date (yyyy/mm/dd)

Commissioner for Oaths

Stamp of Commissioner for Oaths

		For Office Use Only	
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Facsimile of Apprehension Order

Complete form # CS 1636

This form is to be completed after a Judge or Justice of the Peace has granted an order to apprehend, pursuant to an application by telephone or telecommunication.

1. Part 1

- (A) Indicate the name and birth date of the child(ren) in the spaces provided.
- (B) If a Judge is hearing the application then check the first box, and put the Judge's name in the space provided.
- (C) If a Justice of the Peace is hearing the application then check the second box, and put the Justice of the Peace's name in the space provided.
- (D) Indicate the city or town where the Judge or the Justice of the Peace is located in the space provided.
- (E) Indicate the day of the week, date, month and year of the order in the spaces provided.

2. Part 2

- (A) Indicate the name of the caseworker that made the application for an apprehension order in the space provided.
- (B) If the order is to apprehend a child(ren), then check the first box.
- (C) If the order is to enter, search for and return a child(ren) that has been removed from or left the custody of a director, then check the second box.
- (D) If someone other than a director or a peace officer is going to execute the order to enter with force if necessary and apprehend the child(ren), then indicate this persons name in the first space provided.
- (E) If an order to enter with force has been granted, then indicate the address of the place or premises to be entered, in the second space provided.
- (F) Indicate the name of the Judge or Justice of the Peace, in the last space provided.

Points to Consider when Making an Application to Apprehend by Telephone:

1. Gather all of the documents and information (have a bible available to swear or be prepared to affirm the testimony).
2. Anticipate the Judge or Justice of the Peace to enquire as to why it is impracticable to appear in person to request the order.
3. Phone to provincial "on-call" Judge or Justice of the Peace at 1-800-661-1907.
4. Advise the Judge or Justice of the Peace that this matter has been discussed with a supervisor, and that application for an apprehension order is considered to be the proper course of action.
5. Give the child's name (spelling) and birth date. Also indicate the date for the official record.
6. Give full details of why an apprehension order is necessary, (the same as if appearing in court). Make sure to provide the Judge or Justice of the Peace with full and complete information so as to allow them to make an informed decision.
7. It is necessary for the hearing to be recorded or transcribed by the Judge or Justice of the Peace. This will likely be done by way of a recording device, but may have to be done longhand; therefore it is important that the evidence is presented clearly and slowly.

In the Provincial Court of Alberta
 In the Matter of

_____, born _____
date (yyyy/mm/dd)

_____, born _____
date (yyyy/mm/dd)

_____, born _____
date (yyyy/mm/dd)

_____, born _____
date (yyyy/mm/dd)

A Child(ren) within the Meaning
 of the *Child, Youth and Family Enhancement Act*

Heard Before

The Honourable Judge _____
name

Justice of the Peace _____
name

at _____, Alberta.

_____ day, the
specify day _____ day of
 _____ number _____
 _____ month _____ year

**FACSIMILE OF
 APPREHENSION ORDER**

_____ name of applicant

authorized by a director, has applied for an order authorizing the apprehension of the child(ren);

AND upon being satisfied that the requirements of Section 19 of the Act have been complied with, and

the applicant has reasonable and probable grounds to believe that the child(ren) is(are) in need of intervention;

the child(ren) is(are) in the custody of a director, has(have) left or been removed from that custody without the consent of the director and the director has reasonable and probable grounds to believe that the child(ren) may be found in a place or premises;

IT IS ORDERED THAT the director, or any person authorized by the director, may apprehend the child(ren) forthwith;

IT IS ORDERED THAT a director or, _____
name
 and any peace officer called upon to assist, may enter _____
place or premises

using force if necessary, in order to search for and apprehend the child(ren).

Name of Judge or Justice of the Peace - please print

Notice and Application for An Order Placing An Apprehended Child in the Custody of Another Province

Complete form # CS 3460

1. Part 1

- (A) Indicate the complete name and birth date of the child(ren) in the spaces provided.
- (B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

- (A) Indicate the name of the province that the director is asking the Court to return the child(ren) to, in the space provided.
- (B) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided. The court date must occur within ten days of the apprehension (do not count the day of apprehension, but do count all other days including the day of court).

3. Part 3 Application

- (A) Indicate the name of the province that the director is asking the Court to return the child(ren) to, in the space provided.

4. Part 4 Affidavit

- (A) Indicate the date that the child(ren) was apprehended, in the first space provided.
- (B) Indicate the name of the province that the director is asking the Court to return the child(ren) to, in the second space provided.
- (C) In the reasons section state the facts that would support the child(ren) being placed in the custody of child welfare authorities of the other province in the third space provided. The "reasons" section of an application is intended for the applicant to give an explicit factual accounting of the details. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.
- (D) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.
- (E) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.

6. Make enough photocopies of the **good** copy to use for serving the parties and for use with the affidavits of service.

7. Serve all the guardians, child(ren) over twelve [12], private guardian, foster parent (if child was in their care for six [6] months immediately preceding the application) and any other person in whose care the child was when apprehended (if child was in their care for six [6] months immediately preceding the application).

- Parties are to be served personally (see Serving Documents page 71).
- Parties are entitled to five [5] clear days notice.
- **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.

- Service on the person that the child was apprehended from (who is not a guardian) can be completed by mail or personally.
 - Foster parents can be served personally or by mail.
8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court.
 9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
 10. Prepare court report.
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
 - The court report should specifically address the facts of (1) why it is believed that the child is ordinarily resident in the other province, and (2) why it would be in the child's best interests to be placed with child welfare authorities in the other province.

Notice and Application for an Order Placing an Apprehended Child in the Custody of Another Province

In the Provincial Court of Alberta
In the Matter of an Application under Section 21
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

1B

1A

1 My name is _____
name of applicant

I have the authority to act for a Director.

2 **Notice**

2A

I am applying to the Court for an order placing the child(ren) in the custody of child welfare authorities in the province of _____
name of province

The Court hearing will be at _____ on _____, date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____, time _____, number _____

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

2B

3 **Application**

3A

I am applying for an order placing the child(ren) in the custody of child welfare authorities in the province of _____
name of province

4 **Affidavit**

In support of my application, I make oath and say that:

The child(ren) was(were) apprehended on _____, date (yyyy/mm/dd)

4A

4B

I believe that the child(ren) should be placed in the custody of child welfare authorities in the province of _____ because _____

4C

4D

Applicant's Signature _____, date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

4E

Sworn before me at _____
City or Town
in the province of Alberta on _____, date (yyyy/mm/dd)

Commissioner for Oaths

		For Office Use Only	
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Notice and Application for An Order Returning An Apprehended Child

Complete form # CS 1605

1. Part 1

(A) Indicate the complete name and birth date of the child(ren) in the spaces provided.

(B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

(A) Indicate complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing. The court date must occur within ten days of the apprehension (do not count the day of apprehension, but do count all other days including the day of court).

3. Part 4 Affidavit

(A) Indicate the date that the child(ren) was apprehended in the first space provided.

(B) In the reasons section state the facts that would support the child(ren) being returned to the guardian in the second space provided. The "reasons" section of an application is intended for the applicant to give an explicit factual accounting of the details. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

(C) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.

(D) A Commissioner for Oaths must properly swear the application.

4. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.

5. Make enough photocopies of the **good** copy to use for serving the parties and for use in the affidavits of service.

6. Serve all the guardians, child(ren) over twelve [12], private guardian(s), foster parent(s) (if the child(ren) has been in their care for six [6] months immediately preceding the application) and any other person in whose care the child(ren) was when apprehended (if child(ren) was in their care for six [6] months immediately preceding the application).

- Parties are to be served personally (see Serving Documents page 71).
- Parties are entitled to five [5] clear days notice.
- **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
- Service on the person that the child was apprehended from (who is not a guardian) can be completed by mail or personally.
- Foster parents can be served personally or by mail.

7. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court.

8. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.

9. Prepare court report.

- The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Notice and Application for an Order Returning an Apprehended Child

In the Provincial Court of Alberta
In the Matter of an Application under Section 21
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

_____ , born _____ date (yyyy/mm/dd) 1A

_____ , born _____ date (yyyy/mm/dd)

_____ , born _____ date (yyyy/mm/dd)

_____ , born _____ date (yyyy/mm/dd)

1B My name is _____
name of applicant

I have the authority to act for a Director.

2 Notice

I am applying to the Court for an order returning the child(ren) to the custody of the guardian. I will ask the Court to return custody of the child(ren) to the guardian.

The Court hearing will be at _____ address _____ on _____ date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____ time _____ in Courtroom number _____ number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3 Application

I am applying for an order returning the child(ren) to the custody of the guardian.

4 Affidavit

In support of my application, I make oath and say that:

The child(ren) was(were) apprehended on _____ date (yyyy/mm/dd) 3A

I believe that the child(ren) can be returned to the guardian because: _____

_____ 3C _____
Applicant's Signature date (yyyy/mm/dd)

Sworn before me at _____
City or Town

in the province of Alberta on _____
date (yyyy/mm/dd)

_____ Commissioner for Oaths

_____ Stamp of Commissioner for Oaths

		For Office Use Only	
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Notice and Application for An Order Authorizing Treatment of an Apprehended Child

Complete form # CS 1606

1. Part 1

- (A) Indicate the full name and birth date of the child in the spaces provided.
- (B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

- (A) Indicate the complete date, time and location (including full address of Court, courtroom number, and City/Town name) of the hearing in the spaces provided.

3. Part 3 Application

- (A) Give an exact description of the treatment that is being requested, including medical terminology and a lay description if possible, in the space provided.

4. Part 4 Affidavit Section

- (A) Indicate the date the child was apprehended in the first space provided.
- (B) Indicate the name and address of the physician or dentist, who is recommending the treatment in the second space provided.
- (C) In the reasons section state the facts why a treatment order is required. The "reasons" section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.
- (D) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.
- (E) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.

6. Make enough photocopies of the **good** copy to use for serving the parties and for use with the affidavits of service.

7. Serve all the guardians, child over twelve [12], private guardian, foster parent (if child was in their care for six [6] months immediately preceding the application) and any other person in whose care the child was when apprehended (if child was in their care for six [6] months immediately preceding the application).

- Parties are to be served personally (see Serving Documents page 71).
- Parties are entitled to one [1] clear days notice.
- **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
- If the child was apprehended then service on the person that the child was apprehended from (who is not a guardian) can be completed personally or by mail.
- Given the nature of this application it should be noted that the court has the ability to shorten service, dispense with service, or deal with the matter on an ex parte basis.

8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court. (For example; one guardian may consent to treatment, while the other does not.)

9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
10. Prepare court report.

While verbal (*viva voce*) evidence will likely be required at a hearing for a treatment order, a court report may be of some assistance to the court. When preparing a court report the following guideline should be considered.

- The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Notice and Application for an Order Authorizing Treatment of an Apprehended Child

In the Provincial Court of Alberta
In the Matter of an Application under Section 22.1
of the Child, Youth and Family Enhancement Act.

Regarding the child

1A

1B

_____, born _____
date (yyyy/mm/dd)

1 My name is _____
name of applicant
I have the authority to act for a Director.

2 Notice

I am applying to the Court for a treatment order regarding the child. I will ask the Court to allow the director to authorize treatment for the child.

The Court hearing will be at _____ on _____
address date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____
time number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

2A

3 Application

I am applying for an order authorizing (describe treatment): _____

_____ for the child

3A

4 Affidavit

In support of my application, I make oath and say that:

The child was apprehended on _____
date (yyyy/mm/dd)

4A

The guardian refuses to consent to the treatment described in the application.

The treatment being recommended by _____
name of physician or dentist

of _____
address

is in the best interest of the child because: _____

4B

4C

4D

Applicant's Signature date (yyyy/mm/dd)

Sworn before me at _____
City or Town
in the province of Alberta on _____
date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

Commissioner for Oaths

4E

		For Office Use Only	
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Facsimile of Treatment Order

Complete form # CS 3616

This form is to be completed after a Judge or Justice of the Peace has granted a treatment order for a child under apprehension, pursuant to an application by telephone or telecommunication.

1. Part 1

- (A) Indicate the complete name and birth date of the child in the spaces provided.
- (B) If a Judge is hearing the application check the first box, and put the Judge's name in the space provided.
- (C) If a Justice of the Peace is hearing the application check the second box, and put the Justice of the Peace's name in the space provided.
- (D) Indicate the city or town where the Judge or the Justice of the Peace is located.
- (E) Indicate the day of the week, date, month and year of the order in the spaces provided.

2. Part 2

- (A) Indicate the name of the caseworker making the application for a treatment order, in the first space provided.
- (B) Indicate the name of the physician or dentist, which is recommending the treatment, in the second space provided.
- (C) Indicate the terms of the treatment order as dictated by the Judge or Justice of the Peace, in the space provided.
- (D) Indicate the name of the Judge or Justice of the Peace, in the last space provided.

Points to Consider in an Application for a Treatment Order by Telephone:

1. Gather all of the documents and information (have a bible available to swear or be prepared to affirm the testimony).
2. Anticipate the Judge or Justice of the Peace to enquire as to why it is impracticable to appear in person to request the order.
3. Phone to provincial "on-call" Judge or Justice of the Peace at 1-800-661-1907.
4. Advise the Judge or Justice of the Peace that this matter has been discussed with a supervisor, and that the application for a treatment order is considered to be the proper course of action.
5. Give the child's name (spelling) and birth date. Also indicate the date for the official record.
6. Give full details of why a treatment order is necessary (the same as if appearing in court). Make sure to provide the Judge or Justice of the Peace with full and complete information so as to allow them to make an informed decision.
7. It is necessary for the hearing to be recorded or transcribed by the Judge or Justice of the Peace. This will likely be done by way of a recording device, but may have to be done longhand. Therefore it is important that the evidence be presented clearly and slowly.

In the Provincial Court of Alberta
In the Matter of

1A

, born

date (yyyy/mm/dd)

A Child Within The Meaning
of the Child, Youth and Family Enhancement Act

Heard Before

1B

The Honourable Judge

1C

Presiding Justice of the Peace

1E

____ day, the
specify day _____ day of
____ number _____
____ month _____ year

at _____, Alberta.

1D

**FACSIMILE OF
TREATMENT ORDER**

2A

name

authorized by a director, has applied for an order authorizing treatment of the child;

AND upon being satisfied that

2B

The requirements of Section 22.1 of the Act have been complied with, and the treatment recommended by

name of physician or dentist

is in the best interests of the child.

IT IS ORDERED THAT the child shall undergo treatment as described below:

2C

2D

Name of Judge or Presiding Justice of the Peace - please print

Notice and Application for a Temporary Guardianship Order and Terms

Complete form # CS 1595

1. Part 1

Indicate which section of the Enhancement Act the application is being made under by selecting the appropriate box. Section 31 of the Enhancement Act is the section that gives the court the authority to make the order.

- (A) If making a direct application under section 17 then check the first box.
- (B) If making an application under section 21, following an apprehension, then check the second box.
- (C) Indicate the complete name and birth date of the child(ren) in the spaces provided.
- (D) Indicate the total cumulative time in care for child(ren) as of the date the application is completed, in the spaces provided.
- (E) Indicate the name of the applicant (director's delegate), in the space provided.

2. Part 2 Notice

- (A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided. If the application is being made under Section 21 (following an apprehension) the court date must occur within ten days of the apprehension (do not count the day of apprehension, but do count all other days including the day of court).

3. Part 3 Application

- (A) Indicate the length of the temporary guardianship order that is being requested in the space provided. The length of the any request for temporary guardianship will be subject to the cumulative time in care restrictions outlined in Section 33 of the Enhancement Act.

If an agreement cannot be reached the Court has the authority to grant terms in the following areas:

- (B) If an order for access is required then check the first box, and indicate the names of the guardians or other persons with whom the access order will apply in the space provided.
- (C) If an order is required outlining the matters that the director shall consult with the guardian on, then check the second box.
- (D) If an order is required directing a child(ren) and/or a guardian(s) to participate in a treatment or remedial program, then check the third box and indicate the name(s) of the child(ren) and/or guardian(s) to whom the order will apply, in the space provided. The court may order treatment or remedial programs **only upon the recommendation of a director**.
- (E) If an order is required directing a guardian or other person who will have custody of the child, to submit to a "fitness to parent assessment" prior to the expiry of the temporary guardianship order, then check the fourth box and indicate the name(s) of the guardian(s) or other person to whom the order will apply, in the space provided.
- (F) If the fourth box has been checked (referred to under (3E)) and the director wishes to make a recommendation to the court about the nature of the assessment, then check the fifth box and indicate the focus of the assessment in the space provided. NOTE: The act stipulates that the Court shall consider the recommendations of the director in respect of an assessment to determine fitness of a guardian to parent. Therefore if a specific type of assessment or focus of an assessment is being requested then make the indication in this space. It is not a requirement that the director to make a recommendation here.

4. Part 4 Affidavit

(A) In the reasons section state the facts why the child cannot remain with the guardian. The “reasons” section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant’s knowledge.

(B) Check **only one** of the two boxes (“child can be returned to the guardian” or “live independently”).

(C) Sign and date the application. The person named as having the authority to act for a director in part one (1E) of the application must be the person signing the application.

(D) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.

6. Make enough photocopies of the **good** copy to use for serving the parties and for use in the affidavits of service.

7. Serve all the guardians, child(ren) over twelve [12], private guardian(s), foster parent(s) (if the child(ren) has been in their care for six [6] months immediately preceding the application) and any other person in whose care the child(ren) was when apprehended (if the child(ren) was in their care for six [6] months immediately preceding the application).

- Parties are to be served personally (see Serving Documents page 71).
- Parties are entitled to five [5] clear days notice.
- **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
- If the child(ren) was apprehended then service on the person that the child was apprehended from (who is not a guardian) can be completed personally or by mail.
- Foster parents can be served personally or by mail.

8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court.

9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.

10. Prepare court report

- The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director’s evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
- A court report in support of a request for temporary guardianship should include any recommendations that the applicant wants included in the order. While the Enhancement Act details specific orders that the court can make (as outlined above), the court can also include “any other terms that it considers necessary”. Therefore if the applicant wants the court to include “any other terms” in the temporary guardianship order, then those recommendations should be made here.

Docket # _____

**Notice and Application
for a Temporary Guardianship Order and Terms**

In the Provincial Court of Alberta
In the Matter of an Application under Section 17 or 21 and 31
of the Child, Youth and Family Enhancement Act.

IC **1A** **1B** **1D**

Regarding the child(ren)

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

1E

1 My name is _____
name of applicant

I have the authority to act for a Director.

2 Notice

I am applying to the Court for a temporary guardianship order regarding the child(ren). I will ask the Court to make the director a guardian of the child(ren) for a temporary period of time.

The Court hearing will be at _____ on _____
address date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____
time number

If you want to speak to the Judge about my application, you must attend the hearing.

3A

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3 Application

I am applying for a _____ month temporary guardianship order regarding the child(ren), including the following terms:

- 3B** the access the child(ren) will have with _____
name(s)
- 3C** the conditions under which the director shall consult with the guardian on matters affecting the child(ren).
- 3D** that _____
name(s)
 will participate in treatment or remedial programs, as recommended by the director.
- 3E** that _____
name(s)
 be assessed to determine whether that person can properly take care of the child(ren), if the child(ren) returns to live with that person.
- 3F** the director recommends that the focus of the assessment(s) should be _____

4 Affidavit

In support of my application, I make oath and say that:

The child(ren) needs intervention. To protect the child(ren)'s survival, security or development, the child(ren) cannot remain with the guardian because: _____

I believe that within a reasonable amount of time:

the child(ren) can be returned to the guardian, or; the child(ren) will be able to live without a guardian.

Applicant's Signature date (yyyy/mm/dd)

[Stamp of Commissioner for Oaths]

4D

Sworn before me at _____
City or Town

in the province of Alberta on _____
date (yyyy/mm/dd)

Commissioner for Oaths

For Office Use Only			
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Notice and Application for Terms of a Temporary Guardianship Order

Complete form # CS 1596

1. Part 1

- (A) Indicate the complete name and birth date of the child(ren) in the spaces provided.
- (B) Indicate the name of the applicant (director's delegate). If assisting a child or guardian to complete the application then their name would be entered here.
- (C) If the application is being made by the directors delegate then check the third box.

2. Part 2 Notice

- (A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided.

3. Part 3 Application

If an agreement cannot be reached the Court has the authority to grant terms as part of an existing temporary guardianship order in the following areas:

- (A) If an order for access is required then check the first box, and indicate the name(s) of the guardian(s) or other person(s) with whom the access order will apply, in the space provided.
- (B) If an order is required outlining the matters that the director shall consult with the guardian on, then check the second box.
- (C) If an order is required directing a child(ren) and/or a guardian(s) to participate in a treatment or remedial program, then check the third box and indicate the name(s) of the child(ren) and/or guardian(s) to whom the order will apply, in the space provided.
- (D) If an order is required directing a guardian or other person, who will have custody of the child, to submit to a "fitness to parent assessment" prior to the expiry of the temporary guardianship order, then check the fourth box and indicate the name(s) of the guardian(s) or other person(s) to whom the order will apply, in the space provided.
- (E) If the fourth box has been checked (referred to under (3D)) and the director wishes to make a recommendation to the court about the nature of the assessment, then check the fifth box and indicate the focus of the assessment in the space provided.
 - NOTE: The act stipulates that the Court shall consider the recommendations of the director in respect of an assessment to determine fitness of a guardian to parent. Therefore if a specific type of assessment or focus of an assessment is being requested then make the indication in this space. It is not a requirement that the director to make a recommendation here.

4. Part 4 Affidavit

- (A) Indicate the date that the temporary guardianship order was granted in the first space provided, and the length of the order in the second space provided.
- (B) In the reasons section state the facts why it is necessary for the court to set out the requested terms. The "reasons" section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

- (C) Sign and date the application. The person named in part one (1B) of the application must sign the application.
- (D) A Commissioner for Oaths must properly swear the application.
5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.
 6. Make enough photocopies of the **good** copy to use for serving the parties and for use in the affidavits of service.
 7. Serve all the guardians, child(ren) over twelve [12], private guardian(s), foster parent(s) (if the child(ren) has been in their care for the six-[6] months immediately preceding the application).
 - Parties are to be served personally (see Serving Documents page 71).
 - Parties are entitled to five [5] clear days notice.
 - **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
 - Foster parents can be served personally or by mail
 8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court.
 9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
 10. Prepare court report
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
 - A court report in support of a request for terms to a temporary guardianship should include any recommendations that the applicant wants included in the order. While the Enhancement Act details specific orders that the court can make (as outlined above), the court can also include "any other terms that it considers necessary". Therefore if the applicant wants the court to include "any other terms" in the order, then those recommendations should be made here.

Docket # _____

Notice and Application for Terms of a Temporary Guardianship Order

In the Provincial Court of Alberta
In the Matter of an Application under Section 31
of the Child, Youth and Family Enhancement Act

Regarding the child(ren)

_____, born _____ date (yyyy/mm/dd)
_____, born _____ date (yyyy/mm/dd)
_____, born _____ date (yyyy/mm/dd)
_____, born _____ date (yyyy/mm/dd)

1B

1A

1 My name is _____ name of applicant

- I am the child.
- My relationship to the child(ren) is _____ e.g. guardian. My birthdate is _____ date (yyyy/mm/dd)
- My address is _____ address
- I have the authority to act for a Director.

1C

2 Notice

I am applying to the Court for an order setting out the terms for the temporary guardianship order regarding the child(ren).
The Court hearing will be at _____ address on _____ date (yyyy/mm/dd)
The Judge will hear my application as soon as possible after _____ time, in Courtroom number _____ number.
If you want to speak to the Judge about my application, you must attend the hearing.

2A

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3 Application

I am applying for an order setting out terms for the temporary guardianship order regarding the child(ren) as follows:

- 3A the access the child(ren) will have with _____ name(s)
- 3B the conditions under which the director shall consult with the guardian on matters affecting the child(ren).
- 3C that _____ name(s) will participate in treatment or remedial programs, as recommended by the director.
- 3D that _____ name(s) be assessed to determine whether that person can properly take care of the child(ren), if the child(ren) returns to live with that person.
- 3E the director recommends that the focus of the assessment(s) should be _____

4 Affidavit

In support of my application(s), I make oath and say that:
The child(ren) is(are) the subject of a temporary guardianship order granted on _____ date (yyyy/mm/dd) for a period of _____ duration.
An order setting out terms for the temporary guardianship order is requested because: _____

4B

4A

4C

Applicant's Signature _____ date (yyyy/mm/dd)

4D

Sworn before me at _____ City or Town
in the province of Alberta on _____ date (yyyy/mm/dd)

Commissioner for Oaths

Stamp of Commissioner for Oaths

For Office Use Only			
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Notice and Application for a Custody Order

Complete form # CS 3613

A custody application **must be made every time** an application for temporary or permanent guardianship order is made **following an apprehension**. While it is not required, it would be more practical, at least for the initial appearance, to schedule the custody application for the same date as the temporary or permanent guardianship application.

1. Part 1

(A) Indicate the complete name and birth date of the child(ren) in the spaces provided.

(B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

(A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided. The court date must occur within ten days of the apprehension (do not count the day of apprehension, but do count all other days including the day of court).

3. Part 3 Application

If the Court grants an order of custody to the director it may also order terms. If there is a request for terms to the custody order then check the box(es) as follows:

(A) If a term for access is required, then check the first box, and indicate the name(s) of the guardian(s) or other person(s) to whom the access will apply, in the space provided.

(B) If a term is required that directs the child to submit to an assessment, then check the second box and indicate the name of the child in the space provided.

(C) If a term is required that directs a guardian or other person (who may be given custody of the child), to submit to an assessment, then check the third box and indicate the name(s) of the guardian(s) or other person in the first space provided and the persons relationship to the child(ren) in the second space provided.

(D) If the second or third box has been checked (for an assessment of the child, guardian or other person), and the director chooses to make a recommendation to the court about the nature of the assessment, then check the fourth box and indicate the focus of the assessment in the space provided.

4. Part 4 Affidavit

(A) If a term for access has been applied for, then check the first box, and indicate the name(s) of the guardian(s) or other person(s) to whom the access will apply in the first space provided.

(B) Indicate the reasons why the term for access is required in the second space provided. The "reasons" section of an application is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

(C) If a term for an assessment of the child, guardian or other person has been requested, then check the second box and indicate the name(s) of the persons to be assessed in the first space provided.

(D) Indicate the reasons why the term for an assessment is required in the second space provided. The “reasons” section of an application is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant’s knowledge.

(E) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.

(F) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.
6. Make enough photocopies of the **good** copy to use for serving the parties and for use with the affidavits of service.
7. Serve all the guardians, child(ren) over twelve [12], private guardian, foster parent (if child has been in their care for six [6] months immediately preceding the application) and any other person in whose care the child was when apprehended (if the child was in their care for six [6] months immediately preceding the application).
 - Parties are to be served personally (see Serving Documents page 71).
 - Parties are entitled to five [5] clear days notice.
 - **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
 - If the child(ren) was apprehended then service on the person that the child was apprehended from (who is not a guardian) can be completed personally or by mail.
 - Foster parents can be served personally or by mail.
8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the consents with the Clerk of the Court.
9. Complete **CS 508 Affidavit of Service** (see page 72), and file the affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
10. Prepare court report
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director’s evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
 - A court report in support of a request for custody, or to have terms included in the order should include evidence to support the request(s) being made.

Notice and Application for a Custody Order

In the Provincial Court of Alberta
In the Matter of an Application under Section 21.1
of the Child, Youth and Family Enhancement Act

Regarding the child(ren)

1A

1B

_____, born _____ date (yyyy/mm/dd)
_____, born _____ date (yyyy/mm/dd)
_____, born _____ date (yyyy/mm/dd)
_____, born _____ date (yyyy/mm/dd)

1 My name is _____ name of applicant
I have the authority to act for a Director.

2 Notice

I am applying to the Court for a custody order regarding the child(ren). I will ask the Court to give custody of the child(ren) to the director, until the Court decides the application for temporary or permanent guardianship under Section 21.
The Court hearing will be at _____ on _____ date (yyyy/mm/dd)
The Judge will hear my application as soon as possible after _____ time _____ in Courtroom number _____ number
If you want to speak to the Judge about my application, you must attend the hearing.

2A

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3 Application

I am applying for a custody order regarding the child(ren), including the following terms:
3A the access the child(ren) will have with _____ name(s) _____ during the custody order.
3B that the child(ren) _____ name(s) _____ be assessed.
3C that _____ name _____ relationship _____ name _____ relationship _____
be assessed to determine whether that person can properly take care of the child(ren) if they are given custody of the child(ren).
3D the director recommends that the focus of the assessment(s) should be _____

3C

4 Affidavit

In support of my application, I make oath and say that:
I am applying for a custody order regarding the child(ren) because the child(ren) has (have) been apprehended, and should remain in the care of the director until the application for guardianship under Section 21 has been determined by a Judge
4A I am requesting term(s) for access the child(ren) will have with _____ name(s) _____ during the custody order because _____
4C I am requesting that _____ name(s) _____ be assessed because _____
4E _____

4B

4D

4F Sworn before me at _____ City or Town _____ date (yyyy/mm/dd)
in the province of Alberta on _____
Commissioner for Oaths

For Office Use Only			
Name of Caseworker	Child's ID Number	Workspace Number	Workspace Name

Notice and Application for a Permanent Guardianship Order and Access Order

Complete form #CS 1598

This application should **NOT** be used if the current status is temporary guardianship (form # CS 1597 Notice & Application for a Review is the correct form). If the child is in care under apprehension or a custody agreement or has no in care status, then form # CS 1598 Notice and Application for Permanent Guardianship order and access order is appropriate.

1. Part 1

Indicate which section of the Enhancement Act the application is being made under by selecting the appropriate box. Section 34 of the Enhancement Act gives the court the authority to make the order

- (A) If the application is a direct application under Section 18, then check the first box.
- (B) If the application is being made following an apprehension under Section 21, then check the second box.
- (C) Indicate the complete name and birth date of the child(ren) in the spaces provided.
- (D) Indicate the total cumulative time in care for the child(ren) as of the date the application is completed in the space provided.
- (E) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

- (A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided. If the application is being made under Section 21 (following an apprehension) the court date must occur within ten days of the apprehension (do not count the day of apprehension, but do count all other days including the day of court).

3. Part 3 Application

- (A) If there is also a request for an order setting out the access that the child will have, then check the box, and indicate the name(s) of the guardian(s) and/or other person(s) who has a significant relationship with the child(ren) in the space provided.

4. Part 4 Affidavit

- (A) In the reasons section state the facts of why the child cannot live with the guardian. The "reasons" section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.
- (B) If there is an application requesting an order setting out the access the child(ren) will have, then check the first box, and indicate the name of the guardian(s) and/or other person who has a significant relationship with the child(ren) in the space provided.
- (C) Indicate the reasons why an order setting out the access the child will have, has been requested. The "reasons" section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

- (D) Sign and date the application. The person named as having the authority to act for a director in part one (1E) of the application must sign the application.
- (E) A Commissioner for Oaths must properly swear the application.
5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.
 6. Make enough photocopies of the **good** copy to use for serving the parties and for use in the affidavits of service.
 7. Serve all the guardians, child(ren) over twelve [12], private guardian, foster parent (if child has been in their care for six [6] months immediately preceding the application) and any other person in whose care the child was when apprehended (if the child was in their care for six [6] months immediately preceding the application).
 - Parties are to be served personally (see Serving Documents page 71).
 - Parties are entitled to five [5] clear days notice.
 - **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
 - If the child(ren) was apprehended then service on the person that the child was apprehended from (who is not a guardian) can be completed personally or by mail.
 - Foster parents can be served personally or by mail.
 8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
 9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court.
 10. Prepare court report
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
 - The court report in support of a request for permanent guardianship should include any recommendations regarding the access to the child(ren), that are to be included in the order.

Docket # _____

Notice and Application for a Permanent Guardianship Order and Access Order

In the Provincial Court of Alberta
In the Matter of an Application under Section 18, 21 and 34
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

_____, born _____, cumulative time in care _____ days
date (yyyy/mm/dd) duration

1 My name is _____
name of applicant
 I have the authority to act for a Director.

2 **Notice**

I am applying to the Court for a permanent guardianship order regarding the child(ren). I will ask the Court to make the director the guardian for the child(ren) permanently.

The Court hearing will be at _____ on _____
address date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____
time number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3 **Application**

I am applying for a permanent guardianship order regarding the child(ren).

I am applying for an order setting out the access the child(ren) will have with _____
name(s)

name(s)

4 **Affidavit**

In support of my application, I make oath and say that:

The child(ren) needs intervention. To protect the child(ren)'s survival, security or development, the child(ren) cannot live with the guardian because: _____

An order setting out the access the child(ren) will have with _____
name(s)
 is requested because: _____

I do not believe that the child(ren) can be returned to the guardian within a reasonable time.

Applicant's Signature _____
date (yyyy/mm/dd)

Sworn before me at _____
City or Town

in the province of Alberta on _____
date (yyyy/mm/dd)

Commissioner for Oaths

Stamp of Commissioner for Oaths

Name of Caseworker	Child's ID Number	For Office Use Only		Worksite Name
		Worksite Number		

CS1598 (2004/06/23) File Section 5

Notice of Application for Access under a Permanent Guardianship Order

Complete form # CS 1600

1. Part 1

(A) Indicate the complete name and birth date of the child(ren) in the spaces provided.

(B) Indicate the name of the applicant (director's delegate). If assisting a child, guardian or other person to complete the application, then their name would be entered here.

(C) If the application is being made by the directors delegate then check the third box.

2. Part 2 Notice

(A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided.

3. Part 3 Application

(A) Indicate the name(s) of the guardian(s) and/or other person(s) who has a significant relationship with the child(ren), for whom a request for an order of access is being made, in the space provided.

4. Part 4 Affidavit

(A) Indicate the date that the child(ren) became the subject of the permanent guardianship order in the space provided.

(B) Check the box and indicate the name(s) of the guardian(s) and/or other person(s) who has a significant relationship with the child(ren), for whom a request for an order of access is being made, in the space provided.

(C) Indicate the reasons why an order setting out the access the child will have, is being requested in the space provided. The "reasons" section of an application is intended for the applicant to give an explicit factual accounting of the details. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

(D) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.

(E) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.

6. Make enough photocopies of the **good** copy to use for serving the parties and for use in the affidavits of service.

7. Serve the child(ren) over twelve [12], foster parent (if the child has been in their care for six [6] months immediately preceding the application).

- Parties are to be served personally (see Serving Documents page 71).
- Parties are entitled to five [5] clear days notice.
- **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
- Foster parents can be served personally or by mail.

8. Get the child(ren) to sign consent (**CS 1612**) as appropriate (see page's 74 & 77) and file the original consent with the Clerk of the Court.
9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
10. Prepare court report
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Notice and Application for Access Under a Permanent Guardianship Order

In the Provincial Court of Alberta
In the Matter of an Application under Section 34
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

1B

1A

1 My name is _____ name of applicant

I am the child.

My relationship to the child(ren) is _____ e.g. former guardian. My birthdate is _____ date (yyyy/mm/dd)

My address is _____ address

I have the authority to act for a Director.

1C

2 Notice

I am applying to the Court for an order for access. I will ask the Court to grant an order setting out the access with the child(ren).

The Court hearing will be at _____ address on _____ date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____ time, in Courtroom number _____ number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

2A

3 Application

I am applying for an order setting out the access the child(ren) will have with _____ name(s)

3A

4 Affidavit

In support of my application, I make oath and say that:

The child(ren) is(are) the subject of a permanent guardianship order granted on _____ date (yyyy/mm/dd)

4A

An order setting out the access the child(ren) will have with _____ name(s) is requested because: _____

4C

4B

4D

_____, Applicant's Signature _____ date (yyyy/mm/dd)

4E

Sworn before me at _____ City or Town _____ Stamp of Commissioner for Oaths

in the province of Alberta on _____ date (yyyy/mm/dd)

_____, Commissioner for Oaths

Name of Caseworker		Child's ID Number		For Office Use Only		Workspace Number		Workspace Name	

Notice and Application for an Order Authorizing Treatment of a Child under a Temporary Guardianship Order of Permanent Guardianship Order or Agreement

Complete form # CS 3615

1. Part 1

(A) Indicate the full name and birth date of the child in the spaces provided.

(B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

(A) Indicate the complete date, time and location (including full address of Court, courtroom number, and City/Town name) of the hearing in the spaces provided.

3. Part 3 Application

(A) Give an exact description of the treatment that is being requested, including medical terminology and a lay definition if possible, in the space provided.

4. Part 4 Affidavit Section

(A) If the child is under temporary guardianship status then check the first box and indicate the date that the order was granted in the first space provided and the length of the order in the second space provided.

(B) If the child is the subject of a permanent guardianship order then check the second box, and indicate the date that the order was granted in the space provided.

(C) If the child is the subject of a permanent guardianship agreement then check the third box, and indicate the date that the agreement was entered into, in the space provided.

(D) Give the name and address of the physician or dentist, who is recommending the treatment, in the spaces provided.

(E) Give a full statement of why the treatment that is being recommended is in the best interests of the child. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

(F) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.

(G) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.

6. Make enough photocopies of the **good** copy to use for serving the parties and for use with the affidavits of service.

7. Serve all the guardians, child over twelve [12], private guardian, foster parent (if child was in their care for six [6] months immediately preceding the application).

- Parties are to be served personally (see Serving Documents page 71).
- Parties are entitled to notice not less than one day before the hearing.
- **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.

- Given the nature of this application it should be noted that the court has the ability to shorten service, dispense with service, or deal with the matter on an ex parte basis.
8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court.
 9. Complete **CS 508 Affidavit of Service** (see page see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
 10. Prepare court report.

While verbal (viva voce) evidence will likely be required at a hearing for a treatment order, a court report may be of some assistance to the court. When preparing a court report the following guideline should be considered.

- The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Docket # _____

Notice and Application for an Order Authorizing Treatment of a Child under a Temporary Guardianship Order or a Permanent Guardianship Order or Agreement

In the Provincial Court of Alberta
In the Matter of an Application under Section 22.2
of the Child, Youth and Family Enhancement Act.

Regarding the child

1A

1B

_____, born _____
date (yyyy/mm/dd)

1 My name is _____
name of applicant
I have the authority to act for a Director.

2 Notice

I am applying to the Court for a treatment order regarding the child. I will ask the Court to allow the director to authorize treatment for the child.

The Court hearing will be at _____ on _____
address date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____
time number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

2A

3 Application

I am applying for an order authorizing (describe treatment): _____

_____ for the child

3A

4 Affidavit

In support of my application, I make oath and say that the child:
 is the subject of a temporary guardianship order granted _____ for a period of _____
date (yyyy/mm/dd) duration

is the subject of a permanent guardianship order granted on _____
date (yyyy/mm/dd)

is the subject of a permanent guardianship agreement signed on _____
date (yyyy/mm/dd)

The child refuses to consent to the treatment described in the application.

The treatment being recommended by _____
name of physician or dentist
of _____
address

is in the best interest of the child because: _____

4D

4E

4F

Applicant's Signature

date (yyyy/mm/dd)

Sworn before me at _____
in the province of Alberta on _____
City or Town date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

Commissioner for Oaths

Name of Caseworker		Child's ID Number		For Office Use Only		Worksite Number	Worksite Name

Notice and Application by a Director to Terminate a Permanent Guardianship Order or Agreement

Complete form # CS 3614

1. Part 1

- (A) Indicate the complete name and birth date of the child(ren) in the spaces provided.
- (B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

- (A) Indicate the name of the former guardian to whom the director is asking the child(ren) be returned, if the permanent guardianship status is terminated, in the space provided.
- (B) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided.

3. Part 3 Application

- (A) If the application is to terminate a permanent guardianship order then check the first box.
- (B) If the application is to terminate a permanent guardianship agreement then check the second box.

4. Part 4 Affidavit

- (A) If the application is to terminate a permanent guardianship order then check the first box and indicate the date that the order was granted in the first space provided.
 - (B) If the application is to terminate a permanent guardianship agreement then check the second box and indicate the date that the agreement was signed in the second space provided.
 - (C) Indicate the name of the former guardian to whom the director is asking the child(ren) be returned, in the third space provided.
 - (D) In the reasons section state the facts why it is believed the child can be returned to the guardianship of the former guardian. The "reasons" section of an application is intended for the applicant to give an explicit factual accounting of the details. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.
 - (E) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.
 - (F) A Commissioner for Oaths must properly swear the application.
5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.
6. Make enough photocopies of the **good** copy to use for serving the parties and for use with the affidavits of service.

7. Serve the child(ren) over twelve [12], and foster parent (if the child has been in their care for six [6] months immediately preceding the application).
 - Parties are entitled to five [5] clear days notice.
 - **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
 - Foster parents can be served personally or by mail.
8. Get the child(ren) to sign a consent (**CS 1612**) as appropriate (see page 77) and file the original consent(s) with the Clerk of the Court.
9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
10. Prepare court report
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
 - The court report should provide a sufficient history of what lead the child(ren) to come under Permanent Guardianship status, and what has changed to allow the termination of the Permanent Guardianship status.

Notice and Application By a Director to Terminate a Permanent Guardianship Order or Agreement

In the Provincial Court of Alberta
In the Matter of an Application under Section 35
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

_____, born _____, date (yyyy/mm/dd)

1A

1B

1 My name is _____ name of applicant
I have the authority to act for a Director.

2A

2 Notice

I am applying to the Court for an order terminating the permanent guardianship order or agreement regarding the child(ren). I will ask the Court to return the child(ren) to the care of _____, the former guardian.

The Court hearing will be at _____ on _____

The Judge will hear my application as soon as possible after _____, in Courtroom number _____

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

2B

3 Application

3A

I am applying for an order terminating the permanent guardianship order.

3B

I am applying for an order terminating the permanent guardianship agreement.

4 Affidavit

4A

In support of my application, I make oath and say that:

the permanent guardianship order was granted on _____, date (yyyy/mm/dd)

4B

the permanent guardianship agreement was signed on _____, date (yyyy/mm/dd)

4C

I am satisfied that the child should be returned to the guardianship of _____, name of former guardian

I am applying to terminate the permanent guardianship because _____

4D

4E

_____, Applicant's Signature _____, date (yyyy/mm/dd)

4F

Sworn before me at _____, City or Town
in the province of Alberta on _____, date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

_____, Commissioner for Oaths

Name of Caseworker		Child's ID Number		For Office Use Only		Worksite Number	Worksite Name

Notice and Application for a Review

Complete form # CS 1597

The application for a review can be used to:

- Breach a supervision order under Section 29;
- Renew, vary or terminate a supervision or temporary guardianship order under Section 32;
- Vary or terminate an access order to a permanent guardianship under Section 34(13) & (14); or
- Vary or terminate a secure services order under Section 49.

1. Part 1

Indicate which section of the Enhancement Act the application is being made under by selecting the appropriate box.

(A) If making an application to breach a supervision order under Section 29, then check the first box.

(B) If making an application to review a supervision or temporary guardianship order under Section 32, then check the second box.

(C) If making an application to review an access order to a permanent guardianship order under section 34, then check the third box.

(D) If making an application to review a secure service order under Section 49, then check the fourth box.

(E) Indicate the complete name and birth date of the child(ren) in the spaces provided. The name and birth date of the child(ren) must match exactly the name and birth date on the order being reviewed. If the name or birth date are incorrect then they can be amended in court.

(F) Indicate the total cumulative time in care for the child(ren) as of the date the application is completed, in the space provided.

(G) Indicate the name of the applicant (director's delegate) in the space provided. If assisting a child or guardian to complete the application then their name would be entered here.

(H) If the application is being made by the directors delegate then check the third box.

2. Part 2 Notice

(A) Indicate the type of order being reviewed (i.e. temporary guardianship order, supervision order, etc.), in the space provided.

(B) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided.

3. Part 3 Application

(A) Indicate the type of order that is being reviewed in the first space provided.

(B) Indicate the date that the order was granted in the second space provided.

- (C) Indicate the length of the order that is being reviewed in the third space provided.
- Note: It is imperative that the court date for the review is held prior to the expiry of the order, keeping in mind, for example, that an order granted on the 5th of one month expires on the 4th of the appropriate corresponding month. See section on “How to Count Days” for more details.
 - If the order that is being reviewed was granted for a period with a specific expiry date, then the wording that must be used in the blank after "**for a period of**", should read "time up to and including (insert expiry date)."

NOTE: The following section of the form requires that two boxes be checked in **EITHER** the right column **OR** the left column. Boxes should **never** be checked in both columns.

(D) **Column 1** (the left column):

- i. If the request is to renew (extend) an existing order, then check first and second boxes in the left column, and then indicate the length of the order being sought in the space after the second box.
- ii. If the request is to vary an order (e.g. the terms of a supervision order), then check the first and third boxes in the left column.
- iii. If the request is to terminate an order and not replace it with any other order, then check the first and fourth boxes in the left column.

(E) **Column 2** (the right column):

NOTE: The right column can only be used for applications under section 32 when the applicant is looking to terminate a supervision or temporary guardianship order, and obtain a new type of order in its place.

- i. If the request is to terminate an existing order and replace it with a supervision order then check the first and second boxes in the right column.
- ii. If the request is to terminate an existing order and replace it with a temporary guardianship order then check the first and third boxes in the right column.
- iii. If the request is to terminate an existing order and replace it with a permanent guardianship order then check the first and fourth boxes in the right column.

4. Part 4 Affidavit

(A) In the reasons section state the facts why an application to review the existing order, and why the request for an extension, variation, etc have been made. The “reasons” section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant your knowledge.

(B) The director has no restrictions on the making of applications for review thus no action is required for this check box. A child and/or the guardian are only allowed to review an order under Sections 32 or 49 once during the term of the order. Therefore they must check this box if they have made a previous application for review.

(C) Sign and date the application. The person named in part one (1G) of the application must sign the application.

(D) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.
6. Make enough photocopies of the **good** copy to use for serving parties and for use with the affidavits of service.
7. Serve all the guardians, child(ren) over twelve [12], private guardian, and foster parent (if child has been in their care for six [6] months immediately preceding the application).
 - Parties are to be served personally (see Serving Documents page 71).
 - Parties are entitled to five [5] clear days notice.
 - **Do not** count the day of service, the day of Court, Saturdays, Sundays or Holidays.
 - Foster parents can be served personally or by mail.
8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits with the Clerk of the Court.
10. Prepare court report
 - The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.
 - If the court report is in support of a request for a supervision order it should include a section with all of the recommended terms of the supervision order and **MUST** include a term outlining the frequency of visits at the residence by a director.
 - If the court report is in support of a request for temporary guardianship it should include any recommendations that you want included in the order. While the Enhancement Act details specific orders that the court can make under a temporary guardianship order, the court can also include "any other terms that it considers necessary". Therefore if the court is to include any other terms in the temporary guardianship order, then those recommendations should be made here.

Docket # _____

Notice and Application for a Review

In the Provincial Court of Alberta
In the Matter of an Application under Section 29 or 32 or 34 or 49
of the Child, Youth and Family Enhancement Act.

Regarding the child(ren)

_____ born _____, cumulative time in care _____ days

_____ born _____, cumulative time in care _____ days

_____ born _____, cumulative time in care _____ days

_____ born _____, cumulative time in care _____ days

1 My name is _____
name of applicant

I am the child.

My relationship to the child(ren) _____, My birthdate is _____
e.g. guardian date (yyyy/mm/dd)

My address is _____
address

I have the authority to act for a Director.

2 **Notice**

I am applying to the Court for a review of _____ order regarding the child(ren).
type of order

The Court hearing will be at _____ on _____.
address date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____.
time number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3 **Application**

I am applying for a review of the _____ order regarding the child(ren) granted on _____
date (yyyy/mm/dd) type of order duration

I am applying for an order to:

- renew the existing order for _____ months.
- vary the existing order.
- terminate the existing order.

I am applying to terminate the existing order and replace it with:

- a supervision order.
- a temporary guardianship order.
- a permanent guardianship order.

4 **Affidavit**

In support of my application, I make oath and say that:

I am applying for this review because: _____

I am the child, or a guardian, and I have not previously applied for a review of this order.

Applicant's Signature _____ date (yyyy/mm/dd)

Sworn before me at _____
City or Town

in the province of Alberta on _____
date (yyyy/mm/dd)

Commissioner for Oaths _____

Stamp of Commissioner for Oaths

Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

CS1597 (2004/06/04) File Section 5

Secure Services

The sections of the Enhancement Act that deal with the securing of a child have seen significant changes. It is no longer necessary to apprehend a child prior to confining. If the child is the subject of a supervision order, custody agreement with guardian or a family enhancement agreement with guardian and the guardian consents to a secure services certificate then apprehension will not be required. If the guardian does not consent or the child is the subject of a custody agreement with youth or enhancement agreement with youth, then an apprehension will be required prior to confining.

Securing a child still requires the director to satisfy three criteria, although the criteria have changed under Child, Youth and Family Enhancement Act. The director will be required to satisfy the court that it was necessary to confine the child because:

- 1) The child was in a condition presenting an immediate danger to themselves or others;
- 2) Less intrusive measures were not adequate to reduce the danger; and
- 3) The child needed to be stabilized and assessed.

The director will be able to seek further confinement of the child in the secure services facility under confinement orders or secure services orders. The total maximum time that a child can be kept in a secure services facility cannot exceed thirty days. The thirty days includes secure service's status under a certificate, a confinement order or continuation of the confinement, a secure services order and renewal of a secure services order.

The service requirements under a secure services matter have changed significantly and vary depending on what is being served. The different examples are described in the following table:

Section	Document to be Served	Service Requirements
43.1(4)	Secure Services Certificate	Not more than one day after the certificate was issued
43.1(4)	Appearance to Show Cause	Not more than one day after the certificate was issued
43.1(4)	Application for Secure Services Order (Further Confinement up to 7 days)	Not more than one day after the certificate was issued
44(3)	Ex Parte Secure Services Order (up to 5 days)	Not more than one day after the order is granted
44(4)	Notice for Continuation of Ex Parte Order (up to 5 days)	Not less than one day before the date set for the hearing
44.1	Renewal of a Secure Services Order (up to 20 days)	Not less than one day before the date set for the hearing

Secure Services Certificate

Complete form # CS 1620

1. Part 1

(A) Indicate the complete name and birth date of the child in the spaces provided.

If the child is the subject of a temporary guardianship or permanent guardianship status then skip to Part 3 of the certificate

2. Part 2 Guardians Consent

(A) Indicate the name of the guardian in the space provided.

(B) If the child is the subject of a supervision order then check the first box.

(C) If the child is the subject of a custody agreement with guardian then check the second box.

(D) If the child is the subject of a family enhancement agreement with the guardian then check the third box.

(E) Have the guardian sign the consent portion of the Secure Services Certificate. The guardian named in 2(A) of the consent must sign the consent.

3. Part 3 Certificate

(A) Indicate the date that the confinement of the child will commence in the first space provided.

(B) Indicate the date that the confinement of the child will end in the space provided (remember that the director must appear in court to show cause within three days of the confinement– see chart on page 59)

(C) Indicate the name and address of the secure services facility in the spaces provided.

4. Part 4 Affidavit

(A) Indicate the name of the director's delegate that is signing the certificate in the space provided. NOTE: the authority for signing the Secure Services Certificate has been delegated to worksite managers. Casework supervisors and caseworkers have authority to sign a Certificate in special circumstances (refer to the policy manual for more details).

(B) In the reasons section be sure to address the three required conditions for issuing the secure services certificate in the space provided. The "reasons" section is intended for the applicant to give an explicit factual accounting of the details of the application. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

(C) Have the certificate signed. The person named as having the authority to act for a director (above in 4A) must be the person signing the certificate.

(D) A Commissioner for Oaths must properly swear the certificate.

5. Serve a copy of the secure services certificate on the child and the guardian if the guardian signed the consent.

- Parties are to be served personally (see Serving Documents page 71).
- Parties are entitled to be served within one day of the confinement under the certificate.
- **Do not** count the day of confinement, Saturdays, Sundays or Holidays. Therefore service must occur by the next business day.

6. File the original copy of the certificate with the Clerk of the Court along with the Appearance to Show Cause and Notice and Application for a Further Confinement form # CS 1604.

7. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.

Secure Services Certificate

Note: A Secure Services Certificate under section 43.1 can not be issued for a youth who is the subject of a custody agreement or an enhancement agreement between a director and the youth.

1 Regarding the child _____, born _____, 1A
name date (yyyy/mm/dd)

2 Guardian's Consent

I _____ am a guardian of this child.
name

My child is the subject of a:

- supervision order. 2A
- custody agreement between a director and me.
- family enhancement agreement between a director and me.

- 2B
- 2C
- 2D

I consent to the issuing of a Secure Services Certificate for my child. I understand that for the duration of the Certificate, my child will be in the custody of a director and will be confined in a secure services facility.

Guardian's signature Guardian's signature (if applicable)

3 Certificate

This certificate is issued by a director under section 43.1 of the *Child, Youth & Family Enhancement Act*.

This certificate is the authority for confining this child in a secure services facility.

The director authorizes any person to confine the child in a secure services facility from _____
to _____
date (yyyy/mm/dd) date (yyyy/mm/dd)

3B

3A

The secure services facility is _____
at _____
name address

3C

4 Affidavit

My name is _____
name of director's delegate

4A

I have the authority to act for a director.

I have reasonable and probable grounds to believe that the child is in a condition presenting an immediate danger to the child or others, that it is necessary to confine the child in order to stabilize and assess the child and that less intrusive measures are not adequate to sufficiently reduce the danger because:

4B

Signature of Director's Delegate

4C

4D { SWORN BEFORE ME at _____, [Stamp of Commissioner for Oaths]
city or town
Alberta on _____
date (yyyy/mm/dd)

Commissioner for Oaths

For Office Use Only			
Name of Caseworker	Child's I.D. Number	Worksite Number	Worksite Name

Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement

Complete form # CS 1604

1. Part 1

- (A) Indicate the complete name and birth date of the child in the spaces provided.
- (B) Indicate the name of the applicant (director’s delegate) in the space provided.

2. Part 2 Notice

- (A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided.

NOTE: The hearing to show cause must be held “within 3 days after the confinement”. The following chart will assist in determining the court date:

Monday confinement	show cause Thursday latest
Tuesday confinement	show cause Friday latest
Wednesday confinement	show cause Monday latest, but better to show cause Friday
Thursday confinement	show cause Tuesday latest, but better to show cause Monday
Friday confinement	show cause Wednesday latest, but better to show cause Tuesday or Monday
Saturday confinement	show cause Wednesday latest, but better to show cause Tuesday
Sunday confinement	show cause Wednesday latest, but better to show cause Tuesday

- (B) Indicate the address of the nearest legal aid office in the space provided

If no further confinement is being requested then skip to Part 4.

3. Part 3 Application

- (A) If a further confinement of seven [7] days is being requested then check the box. In most cases the further confinement will be required. It is not necessary to check this box if the application is to only show cause, and the child is then being released from the secure services facility; or if the assessment has already been completed and a secure services order is being sought.

4. Part 4 Affidavit

The director is required to appear in court to show cause (explain) why the child was originally confined. The confinement can only be justified if the three required conditions, described below, have been satisfied. In most instances the information contained in the show cause document can and will be used in court as the directors evidence in support of the show cause. Therefore it is important to ensure that the following sections be completed with as much factual detail as is possible. Reasons/explanations need to be provided in the following areas:

- (A) Give a factual explanation of how the child was “in a condition presenting an immediate danger to the child or others”, in the space provided.

(B) Give a factual explanation of why it was “necessary to confine the child in order to stabilize and assess the child”, in the space provided.

(C) Give a factual explanation of why “less intrusive measures were not adequate to sufficiently reduce the danger” that the child presented to themselves or others, in the space provided.

If a further seven-day confinement has been applied for in part 3, then one of the following boxes must be checked:

(D) If requesting the further confinement to “stabilize the child” then check the first box.

(E) If requesting a further confinement to “assess the child and to prepare a secure services plan” then check the second box.

(F) Sign and date the application. The person named as having the authority to act for a director in part 1 (1B) of the application must sign the application.

(G) A Commissioner for Oaths must properly swear the application.

5. File the original appearance to show cause/application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.
6. Make enough photocopies of the **good** copy to use for serving the parties and for use with the affidavits of service.
7. Serve the guardian if the guardian consented to the certificate and the child.
 - Parties are to be served personally (see Serving Documents page 71).
 - Parties are entitled to be served not more than one [1] day after the secure services certificate is issued.
 - **Do not** count the day of confinement, Saturdays, Sundays or Holidays. In other words service must occur by the next working day.
8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court. In all likelihood legal counsel will represent the child and hence consents should only be obtained from the child with the knowledge and agreement of their lawyer.
9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.
10. Court report

Given the short timeframes attached to any secure services matter it is unlikely that workers will have time to prepare a court report for a show cause hearing. If the show cause and further confinement are being contested then verbal (viva voce) evidence will likely be required. If a court report is prepared then the following guideline should be considered:

- The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director’s evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement

In the Provincial Court of Alberta
In the Matter of an Application under Section 43.1
of the Child, Youth and Family Enhancement Act

Regarding the child

_____, born _____
date (yyyy/mm/dd)

1B

1A

1 My name is _____
name of applicant

I have the authority to act for a Director.

2 Notice of Show Cause Hearing

I will be appearing in Court or before a sitting Justice of the Peace to show cause why the secure services certificate was issued.

The hearing will be at _____ on _____
address date (yyyy/mm/dd)

The Judge/Justice of the Peace will hear my application as soon as possible after _____, in Courtroom number _____
time number

If you want to speak to the Judge/Justice of the Peace about my application, you must attend the hearing.

At the end of the hearing, the Judge/Justice of the Peace may make the order. The Judge/Justice of the Peace may make an order different from what I apply for. If you do not attend the Court hearing, the Judge/Justice of the Peace may still make an order.

The child may be represented by a lawyer at any appearance before the Court. The nearest office of the Legal Aid Society is _____

3 Application

I am appearing to show cause for why a secure services certificate was issued.

I am applying for a secure services order authorizing the confinement of the child for a further period of not more than 7 days.

4 Affidavit

In support of my application, I make oath and say that:

The child was confined because:

- the child was in a condition presenting an immediate danger to the child or others as follows: _____

- it was necessary to confine the child in order to stabilize and assess the child as follows: _____

- less intrusive measures were not adequate to sufficiently reduce the danger as follows: _____

The child requires further confinement to:

- stabilize the child, or
- assess the child and to prepare a secure services plan

Applicant's Signature date (yyyy/mm/dd)

Sworn before me at _____
City or Town

in the province of Alberta on _____
date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

Name of Caseworker		Child's ID Number		For Office Use Only		Worksite Number		Worksite Name	

2A

2B

3A

4A

4B

4C

4D

4E

4F

4G

Notice and Application for a Secure Services Order or a Renewal of a Secure Services Order

Complete form # CS 1608

This application form is designed to accommodate three different secure services applications under two different sections of the Enhancement Act. The applications are for very different orders and no matter which order is applied for the total cumulative time cannot exceed 30 days.

1. Part 1

Indicate which section of the Enhancement Act the application is being made under.

Section 44

There are two different secure services applications that can be made under Section 44.

(A-1) If the director is making an ex parte application for a five-day secure services order, then check the first box.

(A-3) If the director is applying for a continuation of the 5-day ex parte secure services order, then check the first box.

Section 44.1

There are two different secure services renewal applications that can be made under section 44.1.

(A-3) If the director is applying for a 20-day renewal of the secure services order granted under section 43.1 (7-day extension of the confinement) then check the second box.

(A-4) If the director is applying for a 20-day renewal of the secure services order granted under section 44 (5-day continuation of the secure services order) then check the second box.

(B) Indicate the complete name and birth date of the child in the spaces provided.

(C) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Notice

(A) Indicate the complete date, time and location (including full address of Court, courtroom number, and city/town name) of the hearing in the spaces provided.

3. Part 3 Application

(A) If making an ex parte application for a five day secure services order under section 44, then check the first and second boxes, and indicate the length of the order (up to five days) being sought in the space provided.

(B) If applying for a five-day continuation of the five-day secure services order under section 44, then check the first and third boxes. Indicate the length of the order (up to five days) in the first space provided, and indicate the date that the original secure services order was granted in the second space provided.

(C) If applying for a twenty-day renewal of the seven-day secure services order under section 43.1 then check the fourth box. Indicate the length of the order being requested (up to twenty days) in the first space provided, and indicate the date that the order being renewed was granted in the second space provided.

(D) If applying for a twenty-day renewal of the five-day secure services order or continuation order under section 44, then check the fourth box. Indicate the length of the order being

requested (up to twenty days) in the first space provided, and indicate the date that the order being renewed was granted in the second space provided.

4. Part 4 Affidavit

When applying for a secure services order the director must indicate what status the child is currently under, by selecting one of the check boxes provided in the affidavit section of the application.

(A) If the child is the subject of a family enhancement agreement with guardian then check the first box, and indicate in the first space the date on which the agreement was signed, and in the second space indicate for how long the agreement was signed.

(B) If the child is the subject of a custody agreement with guardian then check the second box, and indicate in the first space the date on which the agreement was signed, and in the second space indicate for how long the agreement was signed.

(C) If the child was apprehended, then check the third box, and indicate the date that the child was apprehended in the space provided.

(D) If the child is the subject of a custody order under section 21.1 then check the fourth box, and indicate the date that the custody order was granted in the space provided.

(E) If the child is the subject of a supervision order, then check the fifth box and indicate the date that the supervision order was granted in the first space provided, and the length of the supervision order in the second space provided.

(F) If the child is the subject of a temporary guardianship order, then check the sixth box and indicate the date that the temporary guardianship order was granted in the first space provided, and the length of the temporary guardianship order in the second space provided.

(G) If the child is the subject of a permanent guardianship order then check the seventh box and indicate the date that the permanent guardianship order was granted in the space provided.

(H) In the reasons section state the facts why it is necessary to confine the child under a secure services order. The statement that is provided should address the three grounds for securing a child, namely;

“that the child is in a condition presenting a danger to the child or others; that it is necessary to confine the child in order to stabilize and assess the child; and that less intrusive measures are not adequate to sufficiently reduce the danger”.

The “reasons” section of an application is intended for the applicant to give an explicit factual accounting of the details. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant’s knowledge.

(I) Sign and date the application. The application must be signed by the person named as having the authority to act for a director in Part 1 (1C) of the application.

(J) A Commissioner for Oaths must properly swear the application.

5. File the original application with the Clerk of the Court and have a copy of the application stamped to use as the **good** copy.

6. Make enough photocopies of the **good** copy to use for serving the parties and for use with the affidavits of service.

7. Serve all the guardians and the child. Parties are to be served personally (see Serving Documents page 71). Service of secure service documents varies, depending on the document to be served. The different examples are described in the table on (page 55)

8. Get parties to sign consents (**CS 1612 or CS 1613**) as appropriate (see page's 74 & 77) and file the original consents with the Clerk of the Court. Legal counsel will likely represent the child; hence consents should only be obtained from the child with the knowledge and agreement of their lawyer.
9. Complete **CS 508 Affidavit of Service** (see page 72), and file the original affidavits of service with the Clerk of the Court. A separate affidavit of service must be completed for each person served.

10. Court Report

Given the short timeframes attached to any secure services matter it is unlikely that caseworkers will have time to prepare a court report for a hearing. In most instances the directors application form can/will be relied on as the director's evidence. Therefore it is imperative that detailed information is included in the application. Also in most instances a contested matter will require verbal (viva voce) evidence. Any request for a 20-day secure services order will likely be supported by a psychological report. If a court report is prepared by the caseworker then the following guidelines should be considered:

- The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Docket # _____

**Notice and Application
for a Secure Services Order
or a Renewal of a Secure Services Order**

In the Provincial Court of Alberta
In the Matter of an Application under Section 44 or 44.1
of the Child, Youth and Family Enhancement Act.

Regarding the child 1B
_____, born _____
date (yyyy/mm/dd)

1C _____

1 My name is _____
name of applicant
I have the authority to act for a Director.

2 Notice

I am applying to the Court for a secure services order regarding the child. I will ask the Court for an order to confine the child in a secure services facility.

The Court hearing will be at _____ on _____
address date (yyyy/mm/dd)

The Judge will hear my application as soon as possible after _____, in Courtroom number _____
time number

If you want to speak to the Judge about my application, you must attend the hearing.

At the end of the hearing, the Judge may make the order. The Judge may make an order different from what I apply for. If you do not attend the Court hearing, the Judge may still make an order.

3 Application

3A I am applying under Section 44 for:

a secure services order for _____ days.
(up to 1 day)

3B a continuation for _____ days of the secure services order granted on _____
(up to 1 day) date (yyyy/mm/dd)

3C or 3D I am applying under Section 44.1 for a renewal for _____ days of the secure services order granted on _____
(up to 20 days) date (yyyy/mm/dd)

4 Affidavit

In support of my application, I make oath and say that the child:

4A is the subject of a family enhancement agreement signed on _____ for a period of _____;
date (yyyy/mm/dd) duration

4B is the subject of a custody agreement with guardian signed on _____ for a period of _____;
date (yyyy/mm/dd) duration

4C was apprehended on _____;
date (yyyy/mm/dd)

4D is the subject of a custody order granted _____;
date (yyyy/mm/dd)

4E is the subject of a supervision order granted on _____ for a period of _____;
date (yyyy/mm/dd) duration

4F is the subject of a temporary guardianship order granted _____ for a period of _____;
date (yyyy/mm/dd) duration

4G is the subject of a permanent guardianship order granted on _____;
date (yyyy/mm/dd)

and, is in a condition presenting an immediate danger to the child or others, it is necessary to confine the child in order to stabilize and assess the child and less intrusive measures are not adequate to sufficiently reduce the danger, because:

4I _____
Applicant's Signature date (yyyy/mm/dd)

4J Sworn before me at _____
City or Town

in the province of Alberta on _____
date (yyyy/mm/dd)

Commissioner for Oaths

Stamp of Commissioner for Oaths

Name of Caseworker	Child's ID Number	For Office Use Only		Worksite Name
		Worksite Number		

CS1608 (2004/06/15) File Section 5

Application for an Order to Enter, Search for, Apprehend and Return a Child to a Secure Services Facility

Complete form # CS 1609

1. Part 1

(B) Indicate the complete name and birth date of the child in the spaces provided.

(B) Indicate the name of the applicant (director's delegate) in the space provided.

2. Part 2 Application

(A) If someone other than a director or a peace officer is going to execute the order, then indicate this persons name in the space provided.

3. Part 3 Affidavit

(A) If the child is the subject of a secure services certificate, then check the first box, and indicate the expiry date of the certificate in the space provided.

(B) If the child is the subject of a secure services order then check the second box, and indicate the expiry date of the order in the space provided.

(C) If the child left the secure services facility when a leave of absence was not granted then check the third box.

(D) If the child has not returned from a leave of absence within the time permitted then check the fourth box.

(E) Indicate the address of the place or premises where it is believed the child may be found in the space provided.

(F) In the reasons section, state the facts of why it is believed that the child is currently absent from the secure services facility without permission and why it is believed the child may be found at the place or premises indicated. The "reasons" section of an application is intended for the applicant to give an explicit factual accounting of the details. This statement is being sworn and can be used as evidence in support of the application and should be accurate to the best of the applicant's knowledge.

(G) Sign and date the application. The person named as having the authority to act for a director in part one (1B) of the application must sign the application.

(H) A Commissioner for Oaths must properly swear the application.

4. File the application with the Clerk of the Court prior to court appearance.

5. Service of this application is **NOT** required.

6. Court report

Given the emergent nature of this application it is unlikely that caseworkers will have time to prepare a court report for a hearing. If a court report is prepared by the caseworker then the following guideline should be considered:

- The court report is one method of presenting evidence to the Court in support of an application. The court report should be in a format acceptable in the jurisdiction where the application is being heard, and should be attached to an affidavit of court report or affidavit of caseworker. This affidavit needs to be sworn by a Commissioner of Oaths. If the matter is proceeding by consent or unopposed, then the affidavit can be entered in court as the director's evidence in support of the application. Due to legal requirements, the court report should **NEVER** be filed with the Clerk of the Court.

Application for an Order to Enter, Search for, Apprehend and Return a Child to a Secure Services Facility

In the Provincial Court of Alberta
In the Matter of an Application under Section 48
of the Child, Youth and Family Enhancement Act

Regarding the child

1A

1B

_____, born _____ date (yyyy/mm/dd)

1 My name is _____ name of applicant
I have the authority to act for a Director.

2 **Application**

I am applying for an order authorizing the director or * _____ name
and any peace officer called on to assist, to enter, by force if necessary, the place or premises specified in my affidavit below and to search for, apprehend and convey the child to any secure services facility and to detain the child while the child is being conveyed to a secure services facility.
(*Fill in this space only if someone who is not a director's delegate will be apprehending the child.)

2A

3 **Affidavit**

In support of my application, I make oath and say that:

3A

The child is the subject of a secure services certificate that expires on _____ date (yyyy/mm/dd)

3B

The child is the subject of a secure services order that expires on _____ date (yyyy/mm/dd)

The child has left a secure services facility:

3C

when a leave of absence was not granted.

3D

under a leave of absence but has not returned within the time permitted under the leave of absence.

3E

I have reasonable and probable grounds to believe that the child may be found at _____ address
_____ address

because _____

3F

3G

Applicant's Signature

date (yyyy/mm/dd)

3H

Sworn before me at _____ City or Town
in the province of Alberta on _____ date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

Commissioner for Oaths

Name of Caseworker		Child's ID Number		For Office Use Only		Worksite Number	Worksite Name

Facsimile of an Order to Enter, Search for, Apprehend and Return a Child to a Secure Services Facility

Complete form # CS 1637

This form is to be completed after a Judge or Justice of the Peace has granted an order to enter, search for, apprehend and return a child to a secure services facility, pursuant to an application by telephone or telecommunication under Section 48 of the Enhancement Act.

1. Part 1

- (A) Indicate the complete name and birth date of the child in the space provided.
- (B) If the application is being heard by a Judge then check the first box, and put the Judge's name in the first space provided.
- (C) If the application is being heard by a Justice of the Peace then check the second box, and put the Justice of the Peace's name in the second space provided.
- (D) Indicate the name of the city or town where the Judge or the Justice of the Peace is located in the third space provided.
- (E) Indicate the day of the week, date, month and year of the order in the spaces provided.

2. Part 2

- (A) Indicate the name of the caseworker making the application in the space provided.
- (B) If the child has left a secure services facility without a leave of absence, then check the first box.
- (C) If the child has not returned to the secure services facility from a leave of absence within the prescribed time, then check the second box.
- (D) Indicate the address of the place or premises where it is believed the child may be found in the space provided.
- (E) If someone other than a director or a peace officer is going to execute the order to enter with force if necessary, to search for, apprehend and return the child to a secure services facility, then enter this persons name in the space provided.
- (F) If the Judge or Justice of the Peace has granted an order to enter with force, then indicate the address of the place or premises in the space provided.
- (G) Indicate the date that the order was issued in the space provided.
- (H) Indicate the name of the city or town where the order is granted in the space provided.
- (I) Indicate the name of the Judge or Justice of the Peace in the last space provided.

Points to Consider in Making an Application to Apprehend by Telephone:

- 1. Gather all of the documents and information (have a bible available to swear or be prepared to affirm the testimony).
- 2. Anticipate the Judge or Justice of the Peace to enquire as to why it is impracticable to appear in person to request the order.
- 3. Phone to provincial "on-call" Judge or Justice of the Peace at 1-800-661-1907.

4. Advise the Judge or Justice of the Peace that this matter has been discussed with a supervisor, and that the application for an order to enter, search for, apprehend and return a child to a secure service s facility, is considered to be the proper course of action.
5. Give the child's complete name (spelling) and birth date. Also indicate the date for the official record.
6. Give full details of why an order to Enter, Search for, Apprehend and Return a Child to a Secure Service s Facility is necessary (the same as if appearing in court). Make sure to provide the Judge or Justice of the Peace with full and complete information so as to allow them to make an informed decision.
7. It is necessary for the hearing to be recorded or transcribed by the Judge or Justice of the Peace. This will likely be done by way of a recording device, but may have to be done longhand; therefore it is important that the evidence is presented clearly and slowly.

Docket # _____

In the Provincial Court of Alberta
In the Matter of

1A

_____, born _____
date (yyyy/mm/dd)

A Child within the Meaning
of the Child, Youth and Family Enhancement Act

Heard Before

1B

The Honourable Judge

1C

Justice of the Peace

at _____, Alberta.

1D

1E

_____ day, the
specify day
_____ day of
number
_____ month _____ year

**FACSIMILE OF
AN ORDER TO ENTER, SEARCH FOR, APPREHEND
AND RETURN A CHILD TO A SECURE SERVICES FACILITY**

2A

name of applicant

authorized by a director, has applied for an order authorizing the entry, by force if necessary, of the place or premises specified in this order, to search for, apprehend and convey the child to any secure services facility and to detain the child while the child is being conveyed to a secure services facility;

AND upon being satisfied that the requirements of Section 48 of the Act have been complied with, and

2B

the child has left the secure services facility without a leave of absence;

2C

the child has not returned to the secure services facility from a leave of absence within the time prescribed;

AND I am satisfied that the child may be found at _____
place or premises
_____;
place or premises

2D

AND I am satisfied that it may be necessary to use force to enter the above premises;

IT IS ORDERED THAT the director, or any person authorized by the director, may apprehend the child forthwith;

2E

IT IS ORDERED THAT the director or, _____
name
and any peace officer called upon to assist, may enter _____
place or premises

2F

using force if necessary, to search for, apprehend and convey the child to any secure services facility and to detain the child while the child is being conveyed to a secure services facility.

2G

2H

Dated this _____ day of _____ at _____
in the Province of Alberta.

2I

Name of Judge or Justice of the Peace - please print.

Serving Documents

Service is a means of ensuring that someone knows about court. The Affidavit of Service CS 508 is the means of proving that someone has been made aware of court. In most applications under the Child, Youth and Family Enhancement Act, personal service on the parties to an application is required. Those parties that are entitled to personal service include all the guardians and any child over the age of 12

The definition of a guardian can be found in legislation and is summarized below:

1. Mother is deemed to be a guardian as she gave birth to the child.
2. Father is deemed to be a guardian if he meets one of the following conditions.
 - (A) He was married to the mother at the time of the birth of the child.
 - (B) He lived with the mother for one full continuous year immediately prior to the birth of the child.
 - (C) He adopted the child, or
 - (D) He obtained private guardianship of the child by court order.
3. Other guardians would include anyone who has obtained private guardianship or adopted the child.

If a person does not meet the definition of a guardian, then they are not technically entitled to be served. However, in the case of an **application for permanent guardianship**, if the birth father's whereabouts is known, then the father must also be served as if he were a guardian. Likewise, if the birth father cannot be served, then an application to dispense with service must be made to the court. If there is any uncertainty it is best to serve the person and correct the matter in court later. The act of serving a person, who is not a guardian, will not make them a guardian in law.

Personal service will only be deemed to be good, if the server of the document meets face to face with the person being served. If the person being served refuses to accept the document in their hand, then the document can be dropped at their feet and personal service will be deemed to have occurred.

If a meeting occurs with two guardians (mother and father), both must be given a copy of the document in order for service to be deemed good and sufficient. If only one document is served then the server can only swear that one of the parties was served.

There are other forms of service contemplated in the Enhancement Act:

1. Notice of Apprehension to a guardian under Section 20 may be done in writing or verbally.
2. Notice of an application to a Director, foster parent or other person in whose care the child was when apprehended may be served by mail.
3. When serving a person outside of Alberta a court order of *Service Ex Juris* is required.
4. The court has the authority to approve other forms of service referred to as "substitutional service". Some of the more common forms of substitutional service include advertising, registered mail, serving a family member, serving by telephone, leaving it in a mail box or attached to a door etc. Requests to obtain an order of substitutional service must be supported by evidence from the caseworker that focuses on:
 - (a) What other efforts have been made to serve the party, what were the results of the attempts, and
 - (b) Is there some reason to believe that the proposed form of substitutional service will likely reach the intended party.

Affidavit of Service

Complete form # CS 508

A separate Affidavit of Service must be completed for each person that is served.

As each application at court has it's own separate file, a separate Affidavit of Service must be completed for each application or document that is served.

1. Part 1

(A) Indicate the complete name of the person who served the document in the first space provided.

(B) Indicate the complete address of the person who served the document in the spaces provided.

2. Part 2 Affidavit

(A) Indicate the date that service occurred in the first space provided.

(B) Indicate the name of the person that was served in the second space provided.

(C) Indicate the complete address where service occurred in the third space provided.

(D) Indicate the complete title of the document that was served in the fourth space provided. It is important to ensure that the title of the document appears in its full form as it appears on the document. For instance "Notice and Application for a Temporary Guardianship Order and Terms".

(E) The copy of the document that was served must be attached to the Affidavit of Service and marked as an exhibit. If there was only one document attached to the affidavit then it will always be marked as "Exhibit A". Only if there are two or more attachments to the Affidavit of Service does an exhibit become "B" or "C".

(F) The person named in Part 1 (1A) must sign the affidavit in the signature space.

(G) A Commissioner for Oaths must properly swear the affidavit.

3. The attachment to the Affidavit of Service referred to in (2D) above must be an exact copy of the document that was served. The only difference between the two documents is the "exhibit stamp" that is affixed to the attachment. The same Commissioner of Oaths that swore the Affidavit of Service must swear the attachment as an exhibit. Attachments should always be stapled to the original affidavit to ensure that they do not become inadvertently separated.

4. The Affidavit of Service form also contains a waiver. The waiver is intended to give the person being served the option to waive their right to 5 days notice entitled by law. If the person being served wishes to waive their rights then the waiver should be completed signed and witnessed. Once completed it should be attached between the Affidavit of Service and the attachment.

5. The Affidavit of Service should be filed with the clerk of the court in advance of the court date, to ensure that the document makes it onto the court file in time for the court date.

1 My name is _____
name

My address is _____
apt no./street/box no.

city/town/county province postal code

1A

1B

2 Affidavit

2A

I make oath and say that:

On _____ I personally served _____
date (yyyy/mm/dd) name

at _____
address

with a true copy(ies) of _____
document(s)

2B

2C

2D

2E

I have marked the document(s) "Exhibit _____" and attached it (them) to this affidavit.
The copy(ies) was (were) identical to the attached document(s) except that the attached document(s) is (are) marked as an exhibit.

2F

signature of server

2G

Sworn before me at _____, in the province of Alberta on
city or town

date (yyyy/mm/dd)

[Stamp of Commissioner for Oaths]

Commissioner for Oaths

For Office Use Only			
Name of Caseworker	Child's ID #	Worksite Number	Worksite Name

Consent by a Guardian

Complete form # CS 1613

1. Identifying Information

(A) Indicate the complete name and birth date of the child(ren) in the spaces provided.

2. Part 1 Consent

(A) Indicate the complete name of the guardian that is providing the consent in the first space provided.

(B) Indicate the complete address of the guardian that is providing the consent in the second space provided.

(C) Indicate the name of the director's delegate or other person that is making the application in the third space provided.

(D) Indicate the name of the primary order that is being consented to in the fourth space provided. The primary orders are supervision, temporary guardianship, permanent guardianship, return of apprehended child, custody, secure services, treatment, and private guardianship.

(E) If the primary order is going to be for a specific length of time then indicate the length in the fifth space provided.

(F) If a secondary order is also being applied for then indicate the type of order in the sixth space provided. Secondary orders would be any order contemplated in the Enhancement Act that are in addition to the primary order. Examples of secondary orders would include specified access, assessments, treatment etc. The court has the authority to grant secondary orders if an agreement cannot be reached between the director and the parties. Therefore it may not always be appropriate or possible to include secondary orders as part of the consent.

Guardians have the right to obtain legal counsel or independent legal advice any time there is an application before the court. If legal counsel currently represents the guardian then it is not appropriate for the director to obtain a consent without the lawyer being present, or without the lawyer's acknowledgement that they are aware that their client is consenting. The guardian may wish to complete the consent with their lawyer. The guardians also have the right to consent without having had legal advice. Therefore the guardian must check one of the two boxes in the consent.

(G) If the guardian is consenting after having received independent legal advice then check the first box.

(H) If the guardian has chosen to consent without having sought independent legal advice then check the second box.

(I) Have the guardian date and sign the consent in the spaces provided.

(J) Have the witness to the consent sign in the space provided. The consent needs to be witnessed by a director's delegate or a lawyer.

3. Part 2 Affidavit of Execution of a Director or a Lawyer

A witness to a consent is not only signifying that they saw the guardian sign the consent. The witness is also swearing that they believe that the guardian was capable of understanding what they were consenting to, and that the guardian had been properly informed about the nature and consequences of the consent.

- (A) Indicate the name of the person who witnessed the guardian sign the consent in the first space provided. Remember this name must be the same as the person who signed as a witness in Part 1 (2J), and they must be a director's delegate or a lawyer.
 - (B) Indicate the complete address of the witness in the second space provided.
 - (C) If the witness to the consent was a director's delegate then check the first box.
 - (D) If the witness to the consent was a lawyer then check the second box.
 - (E) The witness must sign the affidavit in the third space provided.
 - (F) The witness must date the affidavit in the fourth space provided.
 - (G) A Commissioner for Oaths must properly swear the affidavit.
4. Once the consent has been completed it should be filed with the clerk of the court. It is better to file the consent in advance of the court date as this will allow the clerk's office time to process the document and ensure that it is on the court file in time for the court date.

Consent by a Guardian

Note: Do not use this form to consent to an adoption.
Please Print

Regarding the child(ren)

_____, born _____ date (yyyy/mm/dd) **1A**

_____, born _____ date (yyyy/mm/dd)

_____, born _____ date (yyyy/mm/dd)

_____, born _____ date (yyyy/mm/dd)

1 Consent

My name is _____ name **2A**

My address is _____ address **2B**

I know that _____ is applying in Court for a **2C** **2E**

_____ order for _____ months **2D**

and a _____ order **2F**

regarding the child(ren).

I have received independent legal advice. **2G**

I have been advised of my right to seek independent legal advice and have chosen to provide this consent without accessing independent legal advice. **2H**

I understand what this order(s) means. I consent to the order(s).

Director's or Lawyer's signature _____ date (yyyy/mm/dd) _____
Guardian's signature **2I**

2 Affidavit of Execution of a Director or a Lawyer

My name is _____ name **3A**

My address is _____ address **3B**

I make oath and say that:

I have the authority to act for a Director. **3C**

I am a lawyer. **3D**

I am satisfied that:

- the guardian has the capability to understand and appreciate the nature and consequences of the consent;
- the guardian is informed about the nature and consequences of the consent; and
- the consent represents what the guardian wants.

I witnessed the guardian sign the consent form.

Director's or Lawyer's signature _____ date (yyyy/mm/dd) **3E** **3F**

Sworn before me at _____
 in the province of Alberta on _____
City or Town date (yyyy/mm/dd)

Stamp of Commissioner for Oaths

Commissioner for Oaths

For Office Use Only			
Name of Caseworker	Child's ID Number	Worksite Number	Worksite Name

Consent by a Child

Complete form # CS 1612

1. Part 1 Consent

- (A) Indicate the complete name of the child that is providing the consent in the first space provided.
- (B) Indicate the birth date of the child in the second space provided.
- (C) Indicate the complete address of the child that is providing the consent in the third space provided. If there is concern over the confidentiality of the child's address it would be acceptable to indicate just the name of the city or town, or even use the caseworkers office address.
- (D) Indicate the name of the director's delegate or other person that is making the application in the fourth space provided.
- (E) Indicate the name of the primary order that is being consented to in the fifth space provided. The primary orders are supervision, temporary guardianship, permanent guardianship, return of apprehended child, custody, secure services, treatment, and private guardianship.
- (F) If the primary order is going to be for a specific length of time then indicate the length in the sixth space provided.
- (G) If a secondary order is also being applied for then indicate the type of order in the seventh space provided. Secondary orders would be any order contemplated in the Enhancement Act that are in addition to the primary order. Examples of secondary orders would include specified access, assessments, treatment etc. The court has the authority to grant secondary orders if an agreement cannot be reached between the director and the parties. Therefore it may not always be appropriate or possible to include secondary orders as part of the consent.

Children have the right to obtain legal counsel or independent legal advice any time there is an application before the court. If legal counsel currently represents the child then it is not appropriate for the director to obtain a consent without the lawyer being present, or without the lawyer's acknowledgement that they are aware that their client is consenting. The guardian may wish to complete the consent with their lawyer. The child also has the right to consent without having had legal advice. Therefore the child must check one of the two boxes in the consent.

- (H) If the child is consenting after having received independent legal advice then check the first box.
- (I) If the child has chosen to consent without having sought independent legal advice then check the second box.
- (J) Have the child date and sign the consent in the spaces provided.
- (K) Have the witness to the consent sign in the space provided. The consent needs to be witnessed by a director's delegate or a lawyer.

2. Part 2 Affidavit of Execution of a Director or a Lawyer

A witness to a consent is not only signifying that they saw the child sign the consent. The witness is also swearing that they believe that the child was capable of understanding what they were consenting to, and that the child had been properly informed about the nature and consequences of the consent.

- (A) Indicate the name of the person who witnessed the child sign the consent in the first space provided. Remember this name must be the same as the person who signed as a witness in Part 1 (1K), and they must be a director's delegate or a lawyer.
- (B) Indicate the complete address of the witness in the second space provided.
- (C) If the witness to the consent is a director's delegate then check the first box.
- (D) If the witness to the consent is a lawyer then check the second box.
- (E) The witness must sign the affidavit in the third space provided.
- (F) The witness must date the affidavit in the fourth space provided.
- (G) A Commissioner for Oaths must properly swear the affidavit.

3. Once the consent has been completed it should be filed with the clerk of the court. It is better to file the consent in advance of the court date as this will allow the clerk's office time to process the document and ensure that it is on the court file in time for the court date.

Consent by a Child 12 Years of Age or Older

Note: Do not use this form to consent to an adoption.

Please Print

1 Consent

My name is _____, born _____.

My address is _____.

I know that _____ is applying in Court for a

_____ order for _____ months

and a _____ order

about me.

I have received legal advice from a lawyer about this consent.

I have been informed of my right to ask a lawyer for legal advice, and have decided to consent without talking to a lawyer.

I understand what this order(s) means. I consent to the order(s).

Director's or Lawyer's signature date (yyyy/mm/dd) Child's signature

2 Affidavit of Execution of a Director or a Lawyer

My name is _____.

My address is _____.

I make oath and say that:

I have the authority to act for a Director.

I am a lawyer.

I am satisfied that:

- the child has the capability to understand and appreciate the nature and consequences of the consent;
- the child is informed about the nature and consequences of the consent; and
- the consent represents what the child wants.

I witnessed the child sign the consent form.

Director's or Lawyer's signature date (yyyy/mm/dd)

Sworn before me at _____
City or Town
 in the province of Alberta on _____
date (yyyy/mm/dd)

Commissioner for Oaths

Stamp of Commissioner for Oaths

Name of Caseworker	Child's ID Number	For Office Use Only		Worksite Name
		Worksite Number		

